

A B S T R A C T

OF AN

A C T,

Passed in the Twelfth YEAR of the REIGN of

QUEEN ANNE,

FOR MAKING THE

RIVER *NINE*, or *NEN*,

RUNNING FROM

Northampton to Peterborough,

NAVIGABLE.



A B S T R A C T

A C T

Passed in the Twenty Year of the reign of

Queen Anne

FOR MARITIME

RIVER WINE OF NEW

REVENUE

Verdun to Paris

NAVIGABLE



ABSTRACT of an ACT,

FOR MAKING THE

RIVER *NINE*, or *NEN*,

RUNNING FROM

NORTHAMPTON TO PETERBOROUGH,

NAVIGABLE.

THIS Act recites, That whereas the Recital.
River *Neene*, alias *Nine*, in the
County of *Northampton*, is capable
of being made navigable from the City of
Peterborough to the Town of *Northampton*,
and the same, if effected, will be of great
Benefit and Advantage, not only to the
said Town of *Northampton*, but also to
all the Towns and Places adjacent to the
said River *Nine*, and of general Benefit to
all the said County, by opening of a Trade
and Commerce, and better accommodating
the Country with Necessaries, and em-
ploying the Poor, increasing the Number
of Watermen, and preserving the High-
ways in the said County; TO THE END
THEREFORE that the said River *Nine* may
be made navigable and passable for Boats,
Barges, and other Vessels, from the said
City of *Peterborough* to the said Town of
A 2 *Northampton*,

Commis-
sioners.

Northampton, IT IS ENACTED, That the Right Honourable *Henry* Earl of *Thomond*, the Right Honourable *Daniel* Lord *Finch*, the Right Honourable *Robert* Lord *Tamworth*, the Right Honourable the Lord Viscount *Cullen*, the Right Honourable the Lord *Fitz-William*, the Honourable *William* *Cecill*, the Honourable *Charles* *Cecill*, the Honourable *James* *Brudenell*, the Honourable *Sidney* *Wortley* alias *Montagu*, the Honourable Colonel *Charles* *Egerton*, the Honourable *John* *Fitz-William*, the Honourable *John* *Noell*, the Honourable *George* *Compton*, the Honourable *Harry* *Mordaunt*, the Honourable *Thomas* *Newport*, the Honourable *Thomas* *Wentworth* alias *Watson*, the Honourable *Charles* *Lee*, the Honourable *George* *Cockaine*, the Right Honourable *Thomas* *Coke* Vice-Chamberlain and one of Her Majesty's most Honourable Privy-Council, the Lord Chief Baron *Ward*, Mr. Justice *Blencowe*, Mr. Justice *Dormer*, Mr. Justice *Powis* junior, Sir *John* *Egerton*, Sir *Erasmus* *Dryden*, Sir *Robert* *Haslerig*, Sir *Justinian* *Isham*, Sir *Thomas* *Cave*, Sir *Erasmus* *Norwich*, Sir *Edward* *Nicholas*, Sir *John* *Danvers*, Sir
Jeffrey

*Jeffrey Palmer, Sir John Langham, Sir
 Nicholas Wolstenholme, Sir James Robinson,
 Sir John Shuckburgh, Sir John Brownlowe,
 Sir Thomas Samwell, Sir John Germaine, Sir
 Richard Newman, Sir John Humble, Sir
 Gilbert Pickering, Sir Gilbert Dolben, Sir
 Eusebeus Buswell, Baronets; Sir Charles
 Neale, Sir Robert Clarke, Sir Thomas Travell,
 Knights; Thomas Cartwright, Edward Dry-
 den, George Montague, William Wykes, Ralfe
 Freeman, Robert Palmer, Francis Arundell,
 Peter Bathurst, Benjamin Bathurst, John
 Robinson, Charles Bertie, Charles How,
 Edward Stratford, Henry Stratford, Tobias
 Chancey, Harvey Ekins, John Tryon, William
 Ward, Nicholas Breton, Edward Harley,
 William Holbeth, William Washbourne, Henry
 Benson, Lucy Knightley, Charles Kirkham,
 Thomas Thornton, Lisle Hackett, William
 Lee of Coleashby, Henry Sawyer, John Ekins,
 John Hodges, Thomas Trist, Hatton Compton,
 Charles Gore, Edward Saunders, Elmes
 Steward, John Creed, Benjamin Allicock,
 Thomas Andrews, Edward Brudenell, Thomas
 Hanbury, William Lisle, Charles Fox, Michael
 Wodbull, George Lynn, John James, George
 Kenderick, John Hastings, Robert Andrews,
 Henry*

*Henry Longville, William Ives, William
 Harvey, Charles Sheppard, Samuel Trotman,
 Joseph Ashley, John Bridges, Samuel Collins,
 Richard Kinsman, Thomas Mulso, Francis
 Saint John, Thomas Dove, Noah Neal, George
 Leafield, Charles Parker, Thomas Deacon,
 William Langton, William Ash, Walter Slie,
 John Walsham, Ambrose Saunders, William
 Wylmere of Sywell, James Markham, John
 Winston, John Wentworth Creswell, —
 Ward of Stoke, Justinian Isham, Charles
 O'Brien, Edward Cuthbert, Henry Plowman,
 Smith Fleetwood, John Wiseman, William
 Thursby, Edward Noell, John Morgan, Thomas
 Isted, Elmes Spinkes, Edmund Bateman,
 Richard Young, George Clarke, Simon Aris,
 Valentine Lane, William Adams of Welton,
 Thomas Perkins, — Mansell of Thorpe,
 William Plowman, Charkwood Lawton, Thomas
 Powis, John Glendon, Esquires; Doctor
 Simon Adams, — Hill of Rothwell, Clerk;
 Thomas Maidwell, Jacob Dancer, Thomas
 Manning, William Samuell, Thomas Jennings,
 George Benson, William Whitwell, Henry
 Trice, Timothy Ash, Thomas Styles, John
 Wyldbore, John Eldred, Charles Orm, John
 Denton, John Rowell, John Dickason, Robert
 Wyldbore,*

*Wyldbore, Charles Dews, Richard Little,
 James Delarue, Thomas Rowell, Edmund
 Sparkes, Robert Newcomb, Thomas Ekins of
 Chester, Edmund Rush, Robert Frewin, John
 Stephens, John Knight, Thomas Boughton,
 Richard Freeman, John Bletso, Peregrine
 Garstrell, Henry Green, William Gooday,
 Thomas Bevill, William Wright, Edward
 Wright, John Eyle, John Clarke, Robert
 Sansome, Gentlemen; ——— Weekly of
 Arlebury, ——— Dyson, Richard Benson,
 Henry Lowth, John Ward, John Chapman,
 ——— Rigby of Cosgrave, Richard Fisher,
 John Denmet, William Cuthbert, William
 Whitworth, Timothy Root, John Lucas,
 William Pank, John Parsons, Miles Bevis
 senior, Timothy Brecknock, William Exton,
 John Bunning, Richard Buddle, Robert
 Wright, Henry Billins, Edward Tinkerson
 senior, William Sayle, Joseph Bull, Robert
 Deepup, William Ryecraft, Miles Bevis junior,
 Robert Miller, Simon Loake, Harry Audlin,
 John Hewson, Abraham Beharell, the Mayor
 and Aldermen of Northampton, and Deputy
 Recorder for the Time being, the Mayor
 of Brackley for the Time being, the Mayor
 of Higham-Ferrers for the Time being,
 Peter*

Peter Whaley of Cocknoe, the Right Honourable Edward Richard Lord Henchbrook, Sir Matthew Dudley Baronet, Sir Edmund Lawrence, Sir John Cotton, Sir John Conyers, Knights; Robert Pigott, Robert Apprece, Arthur Turnour, John Pocklington, James Torkington, William Proby, Edward Turnour, James Wright, Esquires; Dr. Thomas Ball, Edward Checkly, Carryer Thompson, John Bellamy, Gentlemen; Henry Ashby Esquire, Dr. John Wright, James Morton, Jeffery Hawkins, Robert Carryer, John Bigg, General Hendefide, John Pedley, Richard Naylour, Nicholas Addenbrooke Clerk, ——— Thomas of Cherry, ——— Orton Clerk, Richard Church Clerk, ——— Fuller Esquire, Richard Cumberland, Squire Pain, Clerks; Benjamin Rudge Clerk, Thomas Edwards, Richard Colvill, Thomas Swaine, John Rellsall, Samuel Westwood, Esquires; Richard Bludwick, and Thomas Lake, Gentlemen, shall be constituted and appointed Commissioners for the Purposes herein

Power of
making
the River
naviga-
ble.

after mentioned; and that the Majority of them present, not under the Number of Nine, may, under their Hands and
Seals,

Seals, approve and appoint such Person or Persons to make the said River navigable and passable as aforesaid, as they shall think fit; and the said Person or Persons that shall be so approved and appointed, their Heirs and Assigns, and the Deputies, Agents, Officers, Workmen, and Servants of such Person and Persons, shall be authorized and empowered at their proper Costs and Charges to make the said River of *Nine* navigable, portable, and passable for Barges, Boats, Keels, Lighters, and other Vessels, from the said City of *Peterborough* to the Town of *Northampton* aforesaid; and from Time to Time to continue, support, maintain, and use such Navigation in such Manner as they shall think fit, and for that Purpose to clear, scour, open, enlarge or straighten the said River of *Nine*, and to dig and cut the Banks thereof, and to clear, scour, cut open, or dig the Banks of any other Stream, Brook, or Beck, that shall to them seem convenient for bringing Water into the said River *Nine*, and thereby making the said River more navigable, portable, and passable for Boats, Barges,

B

Lighters,

To continue the Navigation, and to clear, enlarge, or straighten the River, and to cut the Banks of other Streams to bring Water.

To make
Cuts
through
Lands
adjoin-
ing.

To take
away or
remove
Mills,
Trees,

To make
Locks,
Wears,
Turn-
pikes,
Stanches,
Pens,

Lighters, and other Vessels; and to make new and larger Cuts, Trenches, or Passages for Water, in, upon, or through the Lands or Grounds adjoining or contiguous to the said River, and to such other Streams and Brooks as run into the same, as they shall think fit or necessary for the more convenient, easy, and better carrying on and effecting the said Works and Navigation, being the Soil or Ground of the Queen's most Excellent Majesty, her Heirs and Successors, or of any other Person or Persons, Bodies Politick or Corporate, their Heirs or Successors, and to remove and take away all Mills, Trees, Roots, Gravel-Beds, or any other Impediments whatsoever which may any Ways hinder navigating any Boats, Barges, Lighters, or other Vessels, in or upon the said River, either in Sailing or Hailing thereof, with Men, Horses, or otherwise, and to build, erect, and set up, and make upon any of the Lands adjoining to the said River, Locks, Wears, Turnpikes, Stanches, Pens for Water, Cranes, Wharfs, and Warehouses, where they the said Undertakers, their Heirs and Assigns, shall think fit, and

and to alter, repair and amend the same
as often as they shall think convenient,
and to make any Ways, Passages, and other
Conveniences for carrying and conveying
all Manner of Timber, Stone, and other
Materials for making the said Dams,
Locks, Wears and Turnpikes, and for
repairing the same from Time to Time as
there shall be Occasion, and to do all other
necessary Matters and Things for the Im-
provement and Maintaining of the said
navigable Passages, Streams, and Pre-
misses, or any Part thereof, and for
amending and heightening any Wears or
Dams now upon the said River, or amend-
ing and altering any Bridges whatsoever,
or turning or altering any Highways in
and upon the said River as may any Ways
hinder the said Passage or Navigation; as
also to make, set out, and appoint, Towing
Paths and Ways, convenient for Towing
and Drawing of Boats, Barges, and
Lighters, passing in, through, and upon
the said River; the said Undertakers, their
Heirs and Assigns, first giving Satisfaction
to the Owners and Proprietors of the
Wears, Mills, Lands, Hereditaments and
Premises,

Cranes,
Wharfs
and
Ware-
houses,
and to re-
pair the
same, and
make
Ways for
Materi-
als,

for a-
mending
or alter-
ing
Bridges,
and turn-
ing High-
ways,

to make
and sup-
port
Towing
Ways.

Satisfac-
tion to be
made to
Owners
of Wears,
Mills,

Lands,
&c. for
Damages
as Com-

Premises respectively, for any Damage or Injury that shall or may happen to such Mills, Wears, Lands, and Hereditaments, by making or continuing the said River navigable, as the aforesaid Commissioners, or the Majority of them present, not under the Number of Nine, shall direct and appoint; and such Satisfaction shall be likewise given for the said Towing Paths, as the said Commissioners, or the Majority of them present, not under the Number of Nine, shall in like Manner appoint, in Case the said Undertakers, their Heirs and Assigns, shall not beforehand have agreed with the Proprietors of such Wears, Mills, Lands, Bridges, and Hereditaments respectively, concerning the same.

AND, for the better effecting the Premises, and due rating the Value of the Matters and Things to be compounded for, according to the true Intent and Meaning of this Act, (if the Persons concerned, as aforesaid, shall not agree amongst themselves) IT IS ENACTED, That the Persons before-mentioned shall be constituted

constituted and appointed Commissioners for the settling, determining, and adjusting, in Manner hereafter mentioned, all Matters about which any Difference may arise between the said Undertakers, their Heirs or Assigns, and the said Proprietors of the said Lands, Hereditaments, and Premises; and they, or the Majority of them present, not under the Number of Nine, are by this Act empowered and authorized, and have full Power and Authority, to mediate between the said Undertakers, their Heirs and Assigns, and the Owners and Occupiers of such Lands, Tenements, and Hereditaments, Wears, Mills, Bridges, and Premises, lying in, upon, or near unto the said River, as shall be intended to be made Use of for making the said River navigable, or for bringing in any other Stream, Brook, or Water-Course, into the same, or that may or shall sustain or receive any Loss or Damage thereby, and to settle and proportion what Satisfaction every such Person or Persons, Bodies Politick or Corporate, shall have for or in Respect of the Loss or Damage thereby to be by him, her, or them, respectively

missioners
shall di-
rect.

If Pro-
prieters
of Lands,
disagree,
Commis-
sioners to
mediate.

If Proprietors refuse such Mediation, or any other Impediment happen, Commissioners to send warrants to the Sheriff to summon a Jury, who are to assess such Damages, &c.

respectively received or sustained, and to adjust and settle what Share and Proportion of such Purchase-Money or Satisfaction, any Tenant or other Person, having a particular Estate, Term or Interest, in any of the Premises, shall have or receive for his, or their respective Interests; and if it shall happen that any Person or Persons, Bodies Politick or Corporate, shall decline such Mediation, or refuse to deal or agree with the said Undertakers, their Heirs or Assigns, or through any Disability by Nonage, Coverture, or special Tail, or other Impediment, cannot; that then and in every such Case the said Commissioners, or the Majority of them present, not under the Number of Nine, are by this Act authorized and empowered to issue out their Warrant or Warrants to the Sheriff of the County, in which the said Premises that shall be so in Dispute shall happen to lie, thereby requiring him to impanel, summon, and return a Jury of Four-and-twenty able and sufficient Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in Her Majesty's Courts of
Westminster,

Westminster, to appear before the said Commissioners, or the Majority of them present, not under the Number of Nine, at such Time and Place within the said County, where the Premises so in Dispute shall happen to lie, as by such Warrant or Warrants shall be appointed, under the Penalty of Ten Pounds for every Neglect in so doing: And shall likewise return in Issues upon every Person so impannelled and returned, the Sum of Forty Shillings, which shall be duly estreated and levied upon every such Person who does not appear: And for Default of a sufficient Number of Jury-men appearing, such Sheriff, or his Deputy, shall return other honest and indifferent Men, qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned, may have their lawful Challenges against any of the said Jury-men: And the said Commissioners, or the Majority of them present, not under the Number of Nine, are empowered to order and authorize the said Jury, upon their Oaths, to be administered by the said Commissioners, (which Oath, as also Oaths to such
 Person

Person or Persons as shall be called upon to give Evidence before them, the said Commissioners, or the Majority of them then present, not under the Number of Nine, are empowered to administer) to enquire into and assess such Damages, and Recompence, as they shall think fit, to be awarded to the Owners and Occupiers of any such Lands or Tenements, Wears, Bridges, or Mills, or any Part thereof, as shall be used for, or damaged by making the said River navigable, as aforesaid, for their respective Estates and Interests therein; or such Loss and Damages as they

Commis-
sioners
shall give
Judg-
ment for
such
Sums as
the Jury
shall as-
sess, and
such to be
binding.

may thereby sustain: And the said Commissioners, or the Majority of them then present, not under the Number of Nine, shall give Judgment for such Sums, to be so assessed by such Juries; and shall upon Oath, as aforesaid, and by all other lawful Ways and Means, examine, hear, and finally determine, all Manner of Disputes and Controversies which shall happen or arise between any Persons whatsoever, touching or concerning any Matter or Thing, relating to the aforesaid Premises, or any Part thereof; which said Verdict, Judgment,

Judgment, and other Sentence, Decree, or Determination, set down, declared and pronounced, by the said Commissioners, or the Majority of them then present, not under the Number of Nine, and the Value and Recompence so to be agreed on and assessed (Notice in Writing, subscribed by the said Commissioners, or the Majority of them then present, not under the Number of Nine, being first given of their Meeting, at least twenty Days before, declaring the Time and Place of their Meeting, to every Person concerned; or such Notice in Writing subscribed as aforefaid, to be left at the Dwelling-House of such Party concerned, or at their usual Place of Abode, or with some Tenant, or Occupier of some Lands or Tenements of such Party near the said River, in Case such Party cannot otherwise be found out to be served with such Notice) shall be binding to all Intents and Purposes against the said Parties, their Heirs, Successors, Executors, Administrators and Assigns, and all others claiming any Title or Interest in the said Lands, Tenements, or Premises, or any Thing thereunto belonging

Notice in
Writing
20 Days
at least to
be given,

or Notice
to be left
in Writing
at the
Dwelling
House,
&c. of
the Party
concern-
ed.

longing or appertaining, in Possession or Reversion, Remainder or Expectancy, or otherwise, as well Infants, Females Covert, as others, and their respective Guardians or Trustees, Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under him, her, them, or any of them; which said Orders, Sentences, or Decrees so made shall be set down in Writing, under the Hands and Seals of the Commissioners that shall make the same, and be kept amongst the Records and Writings of the Sessions of the Peace for the said County of *Northampton*, true Transcripts whereof shall be delivered to the Town-Clerk for the Time being for the Town of *Northampton*, to be by him kept upon Record amongst the Records of the Sessions of the Peace of the said Town; and likewise other true Transcripts thereof shall be delivered to the Register Clerk of the Dean and Chapter of *Peterborough*, and to the Steward of the Duchy of *Lancaster* for the Time being, to be by them also kept upon Record amongst the Records of the said Church and City, and Duchy; all which, or true Copies thereof, shall

All Orders, Sentences, or Decrees, to be in Writing under the Hands and Seals of 9 Commissioners, and be recorded by the Clerk of the Peace, & Transcripts delivered to the Town Clerk of *Northampton*, Clerk of the Dean & Chapter of *Peterborough*, & Steward of the Duchy of *Lancaster*.

shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever: And that upon Payment of such Sum or Sums so agreed on or assessed to the Parties concerned; or in Case Tender thereof be made at his, her, or their Dwelling-House, and if they have no such Dwelling-House, then at the House of some Tenant, or Occupier of some Lands or Tenements of such Party; and upon such Tender as aforesaid, if they refuse, or shall not be willing to receive the same, then upon Payment of such Sums into the Hands of such Person or Persons as the Commissioners, or the Majority of them then present, not under the Number of Nine, shall appoint for the Use of the Parties so interested as aforesaid; it shall then, and not before, be lawful to and for the said Undertakers, their Heirs and Assigns, their Workmen and Servants, to do all and every Act, Matter, or Thing, in Order to the making the said River *Nine* navigable, and supporting and maintaining the Navigation thereof, in Relation to, or in Pursuance of, such Agreement or final Order as aforesaid,

as the said Undertakers, their Heirs and Assigns, shall think fit: And this Act shall be sufficient to indemnify, as well the said Commissioners as the said Undertakers, their Heirs and Assigns, and all Persons employed or authorized by them, against the said Owners or Occupiers, their Heirs, Successors, Executors, Administrators, or Assigns, to all Intents and Purposes whatsoever.

No Commissioner to sit or act where interested, on Pain of 50l. BUT no Commissioner or Commissioners shall sit or act in any Case where he or they are any Ways interested or concerned, under the Penalty of Fifty Pounds for every Time refusing to withdraw, if required by any one of the Commissioners.

Power of appointing new Commissioners in Northamptonshire and Huntingdonshire, in Case of Death or refusal to act. FOR supplying the Number of the said Commissioners (in Case of Death, or Refusal to act) the Majority of the Commissioners then present, not under the Number of Nine, shall, from Time to Time, by Instrument in Writing under their respective Hands and Seals, nominate and appoint some other Person or Persons within the Counties of *Northampton* or *Huntingdon*,

Huntingdon, having an Estate in Land of the yearly Value of One Hundred Pounds, in the Place of him or them so dying or refusing to act: Which said new Commissioner or Commissioners, so nominated and appointed, shall from thenceforth have like Power and Authority in all Things relating to the said Navigation and Matters aforesaid, as if he or they had been expressly named in this Act: And every such Instrument and Nomination of new Commissioners, shall, from Time to Time, be recorded by the Clerks of the Peace for the said Counties, by the Register Clerk of the Dean and Chapter of *Peterborough*, and signed by the Commissioners that shall sign the aforesaid Instrument.

FOR and in Consideration of the great Charges and Expences which the said Undertakers, their Heirs, or Assigns will be at, not only in making the said River navigable, and giving Satisfaction to Persons for such Damage as aforesaid, but also in repairing and keeping up the said Wears, Locks, Bridges, and other the Premises so to be made and erected as aforesaid,

aforesaid, and making them fit and useful for the said Navigation; it shall and may be lawful to and for the said Undertakers, their Heirs, Executors, Administrators, and Assigns, and no others, from Time to Time, and at all Times hereafter, at such Place and Places adjoining to the said River, as the said Commissioners, or the Majority of them present, not under the Number of Nine, shall, by any Instrument in Writing under their Hands and Seals, direct and appoint, to ask, demand, recover, and take, from all and every Person and Persons who shall send down or receive up any Goods, Merchandizes, Wares, or Commodities whatsoever; which shall be carried or conveyed up or down the said River, such Rates, Tolls, and Duties, as the aforesaid Commissioners, or the Majority of them then present, not under the Number of Nine, shall, upon due Consideration of the said Charges and Expences, think proper, under their Hands and Seals to decree and appoint: And in Case of Refusal, Neglect, or Denial of Payment, on Demand, of the several Rates, Tolls, and Duties,

Rates,
Tolls,
and Du-
ties, for
Goods
going
down &
up the
River, to
be set and
appointed
by the
Commis-
sioners.

Duties, so decreed and appointed as afore-
 said, the said Undertakers, their Heirs,
 and Assigns, or such other Person or
 Persons as they shall respectively nominate
 and appoint, and their respective Heirs
 and Assigns shall and may sue for the same
 by Action of Debt, or upon the Case, in
 any Court of Record at *Westminster*, or
 within the said Counties of *Northampton* and
Huntingdon; or detain or make Stay of any
 of the said Goods, Commodities, or Vessels
 carrying such Goods or Commodities, for
 which the said Rates, Tolls, or Duties,
 ought to be paid, until they shall be
 satisfied and paid the same.

On Re-
 fusal of
 Payment
 to sue for
 the same,
 or detain
 the goods
 or vessels.

IF the Person or Persons that shall be
 approved of and appointed, as is herein
 before-mentioned, to make the said River
Nine navigable and passable, as aforesaid,
 their Agents, Servants, or Assigns, or any
 of them, shall, in Pursuance of the Powers
 by this Act given them, or any of them,
 raise the Course or Stream of the said
 River above its ancient and usual Heighth,
 by raising any Wears or Dams, already
 made, or by making and erecting any
 new

If any
Damage
shall be
done by
raising
the Wa-
ters, Un-
dertakers
to raise
and
strengthen
the
Banks as
Commis-
sioners
shall di-
rect and
support
& main-
tain the
same;

new Wears or Dams, by Reason or Oc-
casion whereof the Lands and Premisses
adjacent to the said River may be more
liable to be overflowed or damaged than
they have formerly been; then the said
Undertakers, their Heirs, or Assigns,
shall, at their own proper Costs and
Charges, cause the Banks of the said
River to be proportionably raised and
strengthened in such Place and Places,
and in such Manner as the said Com-
missioners, or the Majority of them then
present, not under the Number of Nine,
shall, by Writing under their Hands and
Seals, think fit to direct and appoint
(such Notice in Writing as aforesaid,
being first given of their Meeting for
that Purpose, at least twenty Days before-
hand, to every Party concerned, in such
Manner and Form as is herein before
directed and appointed) so that the new
Banks shall be as able and sufficient to
contain and keep in the said Water at
such its raised Heighth, as the old Banks
were to contain the Water in its ancient
and usual Heighth: And shall also, at
their own Costs and Charges, from Time

to

to Time, maintain and repair such new Banks as often as Occasion shall require :

And shall also make and maintain in such new Banks, or in other back Streams, such and so many Sluices and Outlets for drawing Water out of the said adjacent Meadows and Grounds, as the said Commissioners, or the Majority of them then present, not under the Number of Nine, at any Meeting upon such Notice as afore said, shall direct and appoint ; or if the said Undertakers, their Heirs, or Assigns, in Pursuante of the Powers afore said, shall make any new Cuts or Trenches, by Reason whereof any Person or Persons shall not have convenient Ingress or Egress into or out of their respective Grounds, or other Hereditaments, or any Part thereof, as Occasion shall require, that in such Case the said Undertakers, their Heirs, and Assigns, at their own proper Costs and Charges, shall erect and maintain such sufficient Bridge or Plat over every such new Cut, as by the said Commissioners, or the Majority of them then present, not under the Number of Nine, shall be directed ; any Thing in

and make
& repair
Sluices,
&c. for
drawing
off the
Waters,
and make
Bridges
or Plats
over all
new
Cuts.

this Act contained to the contrary notwithstanding.

To set up
and use
winches,
&c. to
hale up
Barges,
&c.

AND WHEREAS it will be necessary in some Places to hale or tow up Barges, Boats, Lighters, and other Vessels, by the Strength of Men, Horses, Engines, and other Means; it shall and may be lawful to and for Waterman, Boatmen, and Bargemen, passing or navigating upon the said River, and their Helpers and Assistants, to set up and make use of Winches, and other Engines in convenient Places, and with the same, by Strength of Men, Horses, or Beasts, going upon the Banks, or Lands, near the said River in convenient Manner, without the Hindrance, Trouble, or Interruption of any Person or Persons whatsoever, to draw or hale up any Barges, Boats, Lighters, or other Vessels.

AND, for the preventing of Damage or Mischief, that may be done or committed by any rude or disorderly Persons, rowing, navigating, or managing Boats, Barges, or other Vessels, in or upon the said River;
and

and to the End that the Owners and Masters thereof may be more careful therein; the Master or Owner of every Barge, Boat, or other Vessel, shall be, and is hereby made answerable and responsible for any Damage or Mischief that shall be done by his Barge, Boat, or Vessel, or any of the Crew of his Barge-men, Boatmen, or Watermen, to any of the Wears, Locks, Dams, Bridges, and Engines, in, upon, or near the said River; or for any Trespass or Damage, which shall be done to the Owners and Possessors of any Lands or Tenements adjoining to the said River, otherwise than is provided for by this Act.

For the better cleansing the said River, and removing all Impediments or Annoyances in or upon the same, the said Commissioners, or the Majority of them then present, not under the Number of Nine, shall have the sole Rule, Power, and Authority to survey the said River, and all Wears, Banks, Bridges, and Flood-Gates upon the same, and to make Process and Inquiry thereof, and such Decrees

Masters
of
Barges,
&c. to be
answer-
able for
all Da-
mages,
&c. done
by his
Barges,
Crews,
&c.

The
Commis-
sioners to
have the
sole Pow-
er to sur-
vey the
River,
notwith-
standing
any Com-
mission
of Sew-
ers,

and to
make
Orders,
&c. re-
lating
thereto.

and Orders for the altering, amending, raising, abating, or removing the same, and for keeping the said River open, portable, and passable for Boats, Barges, Lighters, and other Vessels, as any Commissioners of Sewers, by any Law, Statute, or Commission of Sewers, are enabled to do in any other Rivers or Places: And that the said River *Nine* between the City of *Peterborough*, and the Town of *Northampton* afore said, or any of the Matters and Things which shall be made, erected, or used for the making and keeping the said River navigable, portable, and passable, as afore said, shall not be under the Survey or Orders of any Commission of Sewers, nor subject thereunto, or any Law or Statute made for Sewers, after the said River shall be made navigable as afore said; any Law or Statute to the contrary notwithstanding.

All Roy-
alties,
Fisheries,
&c. re-
served
to the
Owners.

SAVING ALWAYS, and reserving to the Lords, Owners or Proprietors of all or any Royalties or Liberties of Fishing or Fowling, Tolls, Wharfs, and Warehouses, in or upon the said River, Streams, or Water-

Water-Courses, or any Part of them, their Rights or Privileges of Fishing or Fowling, Tolls, Wharfs, and Warehouses, in and upon the same; and particularly the ancient Tolls, Wharfs, and Warehouses at *Peterborough Bridge* and *Gunwade Ferry*, in and upon such new Cuts, Passages, Trenches, and Water-Courses, as shall be made by the said Undertakers, their Heirs or Assigns, within the respective Manors, Seigniories, or Liberties of the said Lords, Owners, or Proprietors; any Thing in this Act contained to the contrary notwithstanding.

It shall and may be lawful for any Owners or Occupiers of Land adjoining to the said intended navigable Passage, to use any Pleasure Boats, and therein pass to and upon the said navigable Passage, without any Interruption from the said Undertakers, their Heirs, Executors, Administrators, or Assigns, and Nominees, or any of them, without paying to them, or any of them, any Rate or Duty for the same.

Power of
using
Pleasure
Boats,
&c. on
the river.

FOR the better Preservation of the
Fishery

Power of
searching

for and
seizing
all Nets
and En-
gines for
Destruc-
tion of
Fish in
any
Barges,
&c.

Fishery of the said River, it shall be lawful to and for the several Game-keepers, and others authorized for that Purpose, by Warrant under the Hands and Seals of any Lord or Lords of any Manor or Manors, or Owner or Owners of any Fishery or Fisheries, upon any Part of the said River, between the City of *Peterborough*, and the Town of *Northampton* aforesaid, from Time to Time, and at all convenient Times, to enter into any Boat or Vessel upon the said River, or navigable Passage, and to search for, take and seize all Nets, and other Engines, for taking and destroying of Fish there found, except such as shall be close packed up in any Boxes, Trunks, or Packs, and *bona fide*, carried as Goods, Wares, or Merchandizes.

Under-
takers to
make the
River na-
vigable,
to per-
form
their
contracts
within
the times
to be li-
mited,

ALL and every Person and Persons that shall be approved of and appointed by the said Commissioners as aforesaid, to make the said River *Nine* navigable and passable, according to the true Intent and Meaning of this Act, shall begin the said Works, and the making the said River navigable,

navigable, and finish and complete the same, on or before the respective Days and Times as shall be concluded and agreed upon between the said Commissioners and the respective Undertakers; and that in Case the said Undertakers, or any of them, their Heirs, or Assigns, shall not begin, finish, and complete the said Works, and make the said River navigable, portable, and passable for Boats, Barges, and other light Vessels, as they shall respectively contract and agree with the said Commissioners, at or by the respective Time that shall be mentioned and contained in any Writing under the Hands and Seals of the said Commissioners, or the Majority of them then present, not under the Number of Nine, and under the respective Hands and Seals of such Undertakers for that Purpose, duly executed in the Presence of two or more credible Witnesses, that then and from thenceforth the said Commissioners, or the Majority of them then present, not under the Number of Nine, are authorized and empowered, and shall have full Power and Authority by Writing under their
Hands

Hands and Seals, to nominate, appoint, and impower any other Person or Persons to carry on and perfect the said Works, and to make such Part of the said River navigable, portable, and passable for Boats, Barges, Lighters, and other Vessels, within the respective Times to be by the said Commissioners, or the Majority of them then present, not under the Number of Nine, for that Purpose appointed, and upon such other Terms and Limitations as shall be by them limited and appointed; and in Case the Person or Persons, their Heirs or Assigns, who shall be so nominated and appointed by the said Commissioners as aforesaid, shall not begin and perfect the said Works and Navigation, at and by such respective Times, as shall be limited and appointed for that Purpose by the said Commissioners, or the Majority of them then present, not under the Number of Nine, in such Instrument of Nomination, that then, and in every such Case, the said Commissioners, or the Majority of them then present, not under the Number of Nine, shall nominate, appoint, and impower, in Manner aforesaid,

To ap-
point
others for
the per-
fecting
the
Works.

said; some other Person or Persons to
 carry on and perfect the said Works and
 Navigation upon the Terms and Limita-
 tions agreed upon between them, and so
toties quoties as often as the Nominee or
 Nominees of the said Commissioners shall
 happen to fail in beginning or perfecting
 the said Works and Navigation, at and by
 such respective Times as shall be for that
 Purpose limited and appointed by the
 said Commissioners, or the Majority of
 them then present, not under the Number
 of Nine, in Manner as aforesaid; any
 Thing in this Act contained to the contrary
 thereof in any wise notwithstanding: And
 every such Instrument of Nomination shall
 be recorded by the Clerk of the Peace for
 the Time being for the Counties of *North-*
ampton and *Huntingdon*, the Register Clerk
 to the Dean and Chapter of *Peterborough*,
 and the Steward of the Dutchy of *Lancaster*:
 And the Person or Persons, and his and
 their Heirs and Assigns, who shall, by
 Virtue of any such Nomination of the
 said Commissioners as aforesaid, be con-
 stituted and made Undertaker or Under-
 takers for carrying on and perfecting the
 E said

All In-
 struments
 of Nomi-
 nation to
 be re-
 corded
 by the
 Clerk of
 the Peace,
 &c.

said Works and Navigation, shall have the full Benefit and Advantage of all and every the Powers created by this Act:

Prece-
dent Un-
dertakers
to have
Satisfac-
tion for
whatthey
shall have
done.

But in Case the precedent Undertaker or Undertakers are to have a reasonable Satisfaction made him or them, for or in Respect of the Charges he or they shall have been at, to be settled and adjusted by the said Commissioners, or the Majority of them then present, not under the Number of Nine, and not otherwise.

AND WHEREAS it is intended that all the said River *Nine*, from the City of *Peterborough* to the said Town of *Northampton*, shall be made navigable and passable for Barges, Boats, Lighters, and other Vessels;

The
whole
River to
be made
naviga-
ble, or no
Part to be
meddled
with.

IT IS ENACTED, That no Person or Persons whatsoever shall attempt to do any Act whatsoever, in Order to make any Part of the said River navigable, by Virtue of this Act, or any Authority to be given them by the aforesaid Commissioners, or any of them, until the aforesaid Commissioners, or the Majority of them then present, not under the Number of Nine, shall first have actually agreed with some Person

Person or Persons jointly to make all the said River navigable, as aforesaid, from the City of *Peterborough* unto the said Town of *Northampton*, and such Agreement be reduced into Writing under the Hands and Seals of the said Commissioners and the respective Undertaker or Undertakers, and good and sufficient Security given to perform the same.

THE aforesaid Commissioners, or the Majority of them then present, not under the Number of Nine, shall have Power and Authority by any Instrument in Writing under their Hands and Seals, from Time to Time to nominate and appoint such Overseers, and other Officers, as they shall think fit, the better to enable them the said Commissioners duly to see this Act executed, and the Powers and Authorities thereof; and that the Charge of such Overseers and Officers shall be paid by the said Undertaker and Undertakers.

To ap-
point
overseers
and in-
spectors,
to see the
Work
done.

BUT if the said River shall not be made navigable, and navigated by Virtue of this Act, and the Powers and Authorities by

All Da-
mages in
cutting
or alter-
ing

Banks, to the said Act given, and that the said
 be made Undertakers shall, in endeavouring to
 good. make the said River navigable, any Way
 alter or cut any of the Banks of the said
 River, to the Damage or Prejudice thereof,
 they shall at their own Costs and Charges
 make the same good again, and put the
 same into as good a Plight and Condition
 as the same were at the Time of such
 altering, cutting, damnifying, or preju-
 dicing the same, as the said Commissioners,
 or the Majority of them then present, not
 under the Number of Nine, shall, by
 Writing under their Hands and Seals,
 direct and appoint.

No Du- AND the said Undertaker or Undertakers,
 ties or their Executors, Administrators or Assigns,
 Tolls for or any Person or Persons by them or any
 Manure of them deputed or authorized, shall not
 carried on the take, demand, recover, or receive any the
 on the River, Rates or Duties herein before mentioned,
 within 3 or any Sum or Sums of Money whatso-
 Miles ever, for any Muck, Dung, Marle, Lime
 Distance, or other Manure, which shall be brought,
 to be carried, or conveyed upon the said River
 paid. by any of the Owners, Farmers, or Oc-
 cupiers

cupiers of any Lands within the Distance of three Miles from the said River, their Servants or Agents, to be used and employed for the Manuring and Improvement of their respective Lands within the same Distance from the said River, and not otherwise, nor obstruct or disturb them in carrying the same accordingly; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

AND, for the better Prevention of all Frauds in the due Execution of this Act, every Boat, Barge, or Vessel, which shall use the Navigation of the said River *Nine*, shall be registered in a Book or Register to be kept for that Purpose by the Town-Clerk of *Northampton* aforesaid, the Chapter Clerk, or Register to the Dean and Chapter of *Peterborough* for the Time being, and at such other Place or Places as the said Commissioners, or the Majority of them then present, not under the Number of Nine, shall direct and appoint, and shall have some Mark of Distinction by Figure or otherwise, as the Commissioners, or the Majority of them then present, not under ^{the} ^{5^l}

All
Boats,
Barges,
and Vessels,
to be
registered,
and be
marked,

or figur-
ed, on
Pain of

the Number of Nine, shall think fit; upon Pain that the Master of every Boat, Barge, or other Vessel using such Navigation, and not being so registered and marked, shall forfeit the Sum of Five Pounds; and the said Figure, or other Mark or Distinction, shall be placed on every such Boat, Barge, or other Vessel, in the most convenient Place, to be taken Notice of; and no Person shall put the same Figure or Mark upon his Boat, Barge, or Vessel, nor put out, alter, or deface the Figure or Mark of Distinction appointed by the said Commissioners for his Boat, Barge, or Vessel, under the Forfeiture of Five Pounds for every such Offence, one Moiety thereof shall be to the Informer, and the other Moiety to the Use of the Poor of the Parish wherein such Offence shall be discovered, to be levied by Warrant under the Hands and Seals of Five or more of the Commissioners.

The like
Penalty
for alter-
ing or de-
facing the
Mark.

THE first General Meeting of the Com-
missioners appointed to put this Act in
Execution, to be at the Town of *Higham-
Ferrers*, in the said County of *Northampton*,
upon

First
Meeting
1st Octo-
ber, 1714.

upon the First Day of *October*, One Thousand Seven Hundred and Fourteen.

No Order, Decree, Agreement, Judgment, or Appointment, that shall at any Time be made by the aforesaid Commissioners, or the Majority of them then present, not under the Number of Nine, pursuant to the Power hereby given them, and by them signed and sealed as aforesaid, shall be reversed, altered, changed, or made void, in Whole or in Part, unless the aforesaid Commissioners, or the Majority of them then present, not under the Number of Nine, that signed and sealed such Order, Decree, Agreement, Judgment, or Appointment, or shall have such Notice in Writing, as is herein before-mentioned, of the Meeting of the said Commissioners for such Purposes as aforesaid; any Thing herein before-mentioned to the contrary in any wise notwithstanding.

No Decree, Order, &c. of the Commissioners to be reversed, without Notice.

If any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons, for any Thing that he

To plead the General Issue, and give this

Act and
the speci-
al Matter
in Evi-
dence in
any Suit
to be
com-
menced.

he or they shall do or cause to be done, in Pursuance of this Act, and executing any of the Powers and Authorities, or any of the Orders or Directions in the said Act mentioned; all and every Person and Persons, so sued or prosecuted in any Court whatsoever, shall and may plead the General Issue, and give this Act and the special Matter in Evidence: And if in any such Suit the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or discontinue his Suit, or if a Verdict shall pass against him, or Judgment be given against him upon a Demurrer, then in any of the said Cases, the Defendant or Defendants shall recover full Costs, for which he and they shall have the like Remedy as where Costs by Law are awarded; and this Act shall be taken and allowed in all Courts within this Kingdom as a Public Act, and all Judges and Justices of the Peace are hereby required to take Notice thereof as such, without special pleading the same.

If De-
fault in
Repairs,

In Case the said Undertakers, their Successors, Assigns or Nominees, do not
from

from Time to Time, when and as often as Occasion shall require, well, sufficiently, and duly repair and amend all Defects and Decays that shall happen to and in the Lands, Dams, Lock or Locks, Wears, Banks, Turnpikes, Bridges and Mills, that shall be erected, made, and set up by Virtue of this Act, or within six Days after Notice to them given to do the same, that then it shall and may be lawful to and for the Proprietors or Possessors of the Wears and Mills next adjoining to such Dams, Lock or Locks, Wears, Banks, Turnpikes, that shall be so out of Repair from Time to Time to repair and amend the same, and that on Complaint to the said Commissioners, or any Nine or more of them, (who are hereby empowered to enquire into the Sum or Sums of Money so laid out) and upon Oath to examine such Bill or Bills, and to assess and decree the said Undertakers, their Successors, and Assigns or Nominees, to pay to the said Proprietors or Possessors of such Wears or Mills, all such Sum or Sums of Money as shall be by them from Time to Time necessarily laid out and expended, (and

Locks, &c. shall be made by the Undertakers, Proprietors to do the same, and the Undertakers to pay.

F

approved

approved and allowed by the said Commissioners) in such Repairs and Amendments.

None except
Mayors
of *Northampton*,
Brackley,
and
Higham,
to act as
Commissioners,
who have
not 100*l.*
per Ann.
on Pain
of 50*l.*

If any Person or Persons nominated by this Act to be a Commissioner in the Execution thereof, or any the Powers therein contained, shall act as a Commissioner, except the Mayors of *Northampton*, *Brackley*, and *Higham-Ferrers*, for the Time being, not having an Estate in Land of the yearly Value of One Hundred Pounds, for every Time he shall so act, shall forfeit the Sum of Fifty Pounds to any Person or Persons that will inform or sue for the same, to be recovered in any of Her Majesty's Courts of Record by Action of Debt, or of the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Owners
of Lands
adjoin-
ing to the
River,
to erect
Wharfs
for load-
ing and

It is lawful for any Proprietor of Lands adjoining to the said River, to erect a Wharf or Wharfs, whereon to load or unload his own proper Goods, paying the Duties assessed and appointed by the Commissioners

missioners afore-mentioned; any Thing contained in this Act to the contrary notwithstanding. unloading their own Goods.

AND, for the better and more orderly and effectual using the said Navigation, Nine of the said Commissioners shall from Time to Time have full Power and Authority to make By-Laws, Orders, and Constitutions, for the good and orderly Usage of the said Navigation; and for all such Warehouses, Wharfs, Passes, Locks, Weirs, Bridges, Mills, Turnpikes, and other Things, as shall be made for the said Navigation, and for all such Vessels as shall be used on the said River, and for all such Overseers, Surveyors, Boatmen, Messengers, Warehouse-Keepers, Factors, and other Persons, as shall be employed about the said Navigation, or any Thing that shall be needful or necessary about the same, and to set and impose such reasonable Pains, Forfeitures, and Punishments, upon the Breakers thereof, to be levied and recovered by such Ways as to them shall seem meet and reasonable, the same to be mentioned and expressed in such Orders

Power of making By-laws, Orders, &c. for the good and orderly Usage of the Navigation, &c.

and By-Laws; which By-Laws, Orders, and Constitutions, being put in Writing, under the Hands and Seals of the said Commissioners, and allowed by the said Commissioners, or any Nine or more of them, shall be binding to and observed by all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons that shall act under the same, either for the punishing such Persons as shall break the same, or levying any Penalty or Forfeiture thereby incurred, in such Manner and Form as shall be therein or thereby directed; which Monies so levied, shall from Time to Time be employed towards defraying the Charge of the said Navigation: Nevertheless the Justice or Justices of the Assizes for the Counties of *Northampton* or *Huntingdon*, in either of the said Counties where the Matters of Fact shall arise, upon Complaint made, and reasonable Notice thereof given by any Person or Persons aggrieved by any such Orders, Constitutions, or By-Laws, within eight Months after the making such By-Law, or any Person or Persons being aggrieved thereby, shall or may, as he or they

Judges of
Assizes to
alter, moderate,
&c. By-laws, and
order Re-
stitution.

they shall see Cause, by any Order abridge, moderate, alter, or reform the same, and order Restitution to be made of any Sum or Sums of Money that shall be levied in Pursuance thereof, such Order to be made in the Assize-Time, and upon due Examination of the Matters upon Oath, which Oath such Justice or Justices of Assize are by this Act empowered and required to administer, and such Order or Orders to be final, and oblige all Parties concerned therein, and from which no Appeal shall lie.

AND for avoiding all Suits that may happen about all or any of the several Matters aforesaid, all Differences that shall arise for or by Reason of any Matter or Thing that shall be done by Virtue of this Act, the same shall be settled and determined (at *Northampton, Huntingdon, or Peterborough*, by the Commissioners, from which an Appeal to Justices of Assizes lies. All Differences to be determined at *Northampton, Huntingdon, or Peterborough*, by the Commissioners, from which an Appeal to Justices of Assizes lies.

ten Miles of the said respective Towns, as the Commissioners, or any Nine of them shall

shall appoint, by the said Commissioners, or their Successors, or the Majority of them then present, not under the Number of Nine, whereof no Commissioner concerned in such Difference shall vote or act; from which Determination the Parties aggrieved shall only have an Appeal before the Justice or Justices of the Assize of that County, where such Difference shall arise, whose Order or Determination therein shall be final, and from whose Judgment no Appeal shall lie.

Bridges
to be
made
over
Fords
made un-
safe by
the Navi-
gation.

AND whereas the said River *Nine* is at present fordable and passable in several Places, for Waggon, Carts, Carriages, Horses, Beasts, and other Cattle; if the Undertakers, their Heirs or Assigns shall (by erecting or building any Locks, Weirs, Dams) raise the Course or Stream of the River in such fordable Places as aforesaid, so high as to prevent the safe Passages of Waggon, Carts, Carriages, Horses, Beasts, and other Cattle, otherwise than was before the making of such Weirs, Locks, or Dams, that in such Case they the said Undertakers, or their Assigns, shall erect and

and maintain such sufficient Bridge over every such Place of the River aforesaid, as the Commissioners, or the Majority of them, not under the Number of Nine, shall direct and appoint.

AND if the Undertaker or Undertakers, ^{500 l.} their Heirs or Assigns, shall neglect to ^{Penalty} erect or maintain a sufficient Bridge or ^{in not} Bridges over any fordable Place or Places ^{making} in the said River, as is appointed by this ^{Bridges} Act, the Undertaker or Undertakers, their ^{over} Heirs or Assigns, shall forfeit the Sum of ^{fordable} Five Hundred Pounds for any such Neglect, ^{Places,} to be applied towards the erecting, sup- ^{& keep-} porting, or maintaining such Bridge or ^{ing them} Bridges, to be recovered by Bill, Complaint, or Information, in any of Her Majesty's Courts of Record at *Westminster*, or in the Counties of *Northampton* or *Huntingdon*; any Thing in this Act contained to the contrary notwithstanding.

AND if the Undertakers, their Agents ^{No Tolls} or Assigns, shall make or erect any Wears, ^{to be paid} Dams, Locks, or Stanches upon the said ^{between} River between the City of *Peterborough* ^{*Peterbo-*} ^{*rough* and} ^{*Allerton.*} and

and the Town of *Alwanton*, alias *Allerton*, in the County of *Huntingdon*, (to which last Place the said River is already navigable) they the said Undertakers, their Agents or Servants, shall not demand any Toll for any Boats, Barges, Lighters, or other Vessels, passing or repassing through the said Weirs, Dams, Locks, or Stanches, provided the said Vessels do not pass or repass upon the said River higher than the Town of *Allerton* aforesaid, and be not loaded with above six Tons Weight.



INDEX to the preceding ACT.

Commissioners' Names	- - - -	Page 4
Power to make navigable	- - - -	8
Power to adjust Differences	- - - -	13
No Commissioner to act where interested, on Pain of 5 <i>l</i> .	- - - -	20
Power of appointing new Commissioners	- - - -	20
Power for Undertakers to take such Tolls as Commis- sioners shall direct	- - - - }	22
Banks to be made good, &c. where raised or damaged	- - - -	24
Power to erect Winches, &c. for hailing Barges, &c.	- - - -	26
Masters of Barges, &c. to be answerable for Damages by their Men, Boats, &c.	- - - - }	27
Power to survey the River, notwithstanding Commission of Sewers	- - - - }	27
All Royalties, Fisheries, &c. reserved to the Owners	- - - -	28
Power of using Pleasure-Boats	- - - -	29
Ditto for seizing all Nets, &c. for Destruction of Fish, &c.	- - - -	29
Undertakers to perform Contracts within limited Times	- - - -	30
All Instruments of Nomination to be recorded by the Clerk of the Peace, &c.	- - - - }	33
Undertakers discharged to have Satisfaction for their Work, &c.	- - - - }	34
The whole River to be made navigable, or no Part	- - - -	34
To appoint Inspectors, &c. to see the Work done	- - - -	35
Damages in cutting Banks, &c. to be made good	- - - -	35
No Toll, &c. to be paid for Manure	- - - -	36
All Boats, &c. to be registered, on Pain of 5 <i>l</i> .	- - - -	37
The like Penalty for altering, defacing, &c.	- - - -	38
No Decree to be reversed but on Notice	- - - -	39
Plead General Issue, &c.	- - - -	39
If Undertakers neglect the Repairs of the Locks, &c. Proprietors, &c. to do the same, &c.	- - - - }	40, 41
Acting Commissioners to have 100 <i>l</i> . per Ann. in Land, &c.	- - - -	42
Owners of Lands to erect Wharfs for loading, &c. Goods, &c.	- - - - }	42, 43
Power of making By-Laws	- - - -	43
All Differences, &c. to be determined by Commissioners, &c.	- - - -	45
To make and maintain Bridges, &c. over fordable Places, on Pain of 500 <i>l</i> .	- - - - }	46
No Tolls to be paid between <i>Peterborough</i> and <i>Allerton</i>	- - - -	47

A B S T R A C T

O F A N

A C T,

F O R

The Explaining, Amending, and Rendering more Effectual, Two several Acts of Parliament, one of them passed in the Thirteenth Year of Her late Majesty Queen Anne, for making the River Nine, or Nen, running from Northampton to Peterborough, navigable, and the other, made in the Eleventh Year of His late Majesty King George the First, for making more Effectual the said former Act.*

G 2

* N. B. This Act relates wholly to the Western Division from Thrapston to Peterborough.

ABSTRACT of an ACT,

For the Explaining, Amending, and Rendering more Effectual, Two several Acts of Parliament, one of them passed in the Thirteenth Year of Her late Majesty Queen Anne, for making the River Nine, or Nen, running from Northampton to Peterborough, navigable; and the other made in the Eleventh Year of His late Majesty King George the First, for making more Effectual the said former Act.

WHEREAS by an Act of Parlia-
ment, made and passed in the
Thirteenth Year of the Reign of
Her late Majesty Queen Anne, intituled,
An Act for making the River Nine, or Nen,
running from Northampton to Peterbo-
rough, navigable, divers Persons therein
named were constituted Commissioners for
the Purposes therein mentioned; and it was
thereby enacted, That such Person or
Persons as the said Commissioners, or the
Majority of them, not under the Number
of Nine, should, under their Hands and
Seals, approve and appoint, and the Heirs
and

Preamble
recites
the pri-
vate Act.

and Assigns, and the Deputies, Agents, Officers, Workmen, and Servants, of such Person or Persons, should be, and the same were thereby, authorized and empowered, at their Costs and Charges, to make the said River *Nine* navigable, portable, and passable, for Barges, Boats, Keels, Lighters, and other Vessels, from the City of *Peterborough* to the Town of *Northampton*, by such Ways and Means, and by, with, under, and subject to, such Powers and Authorities, Rules, Orders, Directions, and Provisions, as in the said Act are mentioned, inserted, and contained; and the Undertakers of the said Navigation were thereby authorized and empowered to demand and take such Rates, Tolls, and Duties, for Goods, Wares, Merchandizes, and Commodities, carried or conveyed up or down the said River, as the said Commissioners, or such Majority of them as is therein mentioned, should think proper, under their Hands and Seals, to decree and appoint, with such Powers to recover the same as are therein mentioned and provided; in which said Act is contained and inserted a Clause, providing
and

and enacting, That no Person or Persons whatsoever should attempt to do any Act whatsoever, in Order to make any Part of the said River navigable by Virtue of the said Act, or any Authority to be given them by the aforesaid Commissioners, or any of them, until the aforesaid Commissioners, or the Majority of them present, not under the Number of Nine, should first have actually agreed with some Person or Persons jointly to make all the said River navigable, as aforesaid, from the City of *Peterborough* to the said Town of *Northampton*; and also another Clause, enacting and providing, That, if the said River should not be made navigable, and navigated, by Virtue of the said Act, the said Undertakers should make good any Damage or Prejudice that should happen by endeavouring to make the same navigable in such Manner as is therein mentioned; and the said Commissioners, or any Nine or more of them, were authorized and empowered to make such Bye-Laws, Orders, and Constitutions, for the good and orderly Usage of the said Navigation, in such Manner as are therein mentioned.

AND

As also
the se-
cond
Act.

AND WHEREAS by another Act of Parliament, made and passed in the Eleventh Year of the Reign of His late Majesty King George the First, intituled, *An Act for making more effectual an Act, passed in the Parliament holden in the Thirteenth Year of Her late Majesty Queen Anne, intituled, An Act for making the River Nine, or Nen, running from Northampton to Peterborough, navigable, after taking Notice of the said former Act; and that the Commissioners in the said Act named had met several Times in Pursuance thereof, but had not been able to proceed, in Order to put the same in Execution, by Reason no Persons were willing jointly to undertake to make the said whole River navigable, so that the good Purposes intended by the said Act had been thitherto disappointed and frustrated; and reciting also, That it would be of great Advantage and Benefit to Trade, and very much for the public Good, to have the said River made navigable as far and as soon as it might be; it was therefore enacted, That the said two recited Clauses, in the said former Act contained, should be, and were thereby,*

by, repealed, and made void; and that it should and might be lawful for the Commissioners therein after-named, and the Survivors, or any of them (not under the Number of Nine), and they were thereby authorized and empowered, to make one or more Contract or Contracts with any Person or Persons whatsoever, as to them should seem convenient for the making any Part or Parts of the said River navigable as they should judge necessary, in Order to the carrying on the Navigation of the said River *Nine* from *Peterborough* to *Northampton*:

AND WHEREAS, in Pursuance and by Virtue of the said recited Acts, the said River *Nine*, or *Nen*, hath been made navigable from *Peterborough* unto or near to *Thrapston* Bridge, in the said County of *Northampton*; and, by a Bye-Law authorized by the first-mentioned Act, that Part of the said River, which hath been so made navigable, hath been called and distinguished by the Name or Denomination of the Eastern Division of the Navigation; and the other Part of the River,

That the Navigation had been made to *Thrapston* Bridge.

H

between

between *Thrapston* Bridge and the Town of *Northampton*, is now called, known, and distinguished, by the Denomination of the Western Division of the Navigation:

That
carrying
it to
North-
ampton
would be
very be-
neficial.

AND WHEREAS the perfecting and completing the Navigation of the said River *Nine*, as originally intended, and the extending and carrying on the same through and from *Thrapston* Bridge aforesaid to the Town of *Northampton*, would tend greatly to promote Trade and Commerce, and be of great Benefit and Advantage as well to the said City of *Peterborough*, and the Town of *Northampton*, as to other Towns and Places in the said County of *Northampton*, and other adjacent and neighbouring Counties, and be of public Utility: BUT as the same cannot be effected, unless the Powers and Authorities granted by the said former Acts be enlarged, and made more extensive, and some other Provisions made in that Behalf by the Aid and Assistance of Parliament:

WHEREFORE, for the obtaining and accomplishing

complishing the good Ends and Purposes
afore-mentioned,

May it please Your MAJESTY,

That it may be ENACTED; AND BE IT
ENACTED, by the KING's most Excellent
MAJESTY, by and with the Advice and
Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Par-
liament assembled, and by the Authority
of the same, That the Right Noble
Francis Russel, Esquire, commonly called ^{New}
Lord Marquis of *Tavistock*, the Right ^{Commis-}
Honourable *John* Earl of *Upper Ossory*, in
the Kingdom of *Ireland*, the Right Ho-
nourable *George Brudenel*, Esquire, com-
monly called Lord *Brudenel*, the Right
Honourable *William Fitzwilliam*, Esquire,
commonly called Lord Viscount *Milton*,
the Right Honourable the Lord Viscount
Cullen, in the Kingdom of *Ireland*, the
Right Honourable *John* Lord *Carysfort*, in
the Kingdom of *Ireland*, the Honourable
John St. John; Sir *William Wake*, Sir *John*
Dryden, Sir *Arthur Hesilrige*, Sir *John Ber-*
nard, Sir *Edmund Isham*, Sir *Francis St.*
John, Sir *Thomas Palmer*, Sir *John Langham*,

Sir Thomas Cave, Sir Stukeley Shuckburgh,
Sir John Robinson, Sir Thomas Drury, Sir
Hutchins Williams, Baronets; Sir Charles
Hardy, Knight; John Andrew, Joseph Ashe,
Robert Andrew, Esquires; Nicholas Adden-
brook, James Affleck, Clerks; James Agut-
ter, Gentleman, Edward Bouverie, Richard
Backwell, Robert Butcher, John Bateman,
Nicholas Bonfoy, Thomas Bonfoy, Hugh Bon-
foy, Francis Benyon, John Blencowe, Es-
quires; the Reverend Chambers Bate,
Richard Barford, Francis Broad, John
Brigham, Thomas Broom, Clerks; John
Bayley, Edward Benyon, Gentlemen; Charles
Balguy, M. D. William Child, Stephen
Child, Gentlemen; Charles Compton, Wil-
liam Cartwright, Thomas Cartwright, Richard
Chauncy, Nathaniel Castleton, William Henry
Chauncy, Jonathan Cope, Benjamin Clarke,
John Creed, Richard Clarke, Joseph Church-
hill, junior, William Clendon, Charles
Compton, of Grendon, Richard Cumberland,
George Freeman Cunningham, Esquires; —
Chambers of Achurch, John Cheyne, the
Reverend — Chambers, Clerks; George
Corral, Thomas Chapman, Thomas Cockman,
William Child, Gentlemen; Ambrose Dickins,
Francis

Francis Dickins, William Dolben, Esquires; John Dobinson, of Fotheringay, Clerk; William Dicey, Gentleman; Justinian Ekins, John Ellerker, Esquires; John Easton, Gentleman; William Folkes, John Frederick, Esquires; the Reverend John Fisher, John Frost, the Reverend John Foster, Kennet Gibson, Clerks; — Gwillim, Esquire; Theophilus Goodfellow, Clerk; George Green, John Gaskel, John Gibson, Gentlemen; John Harvey, George Hill, William Hanbury, junior, Benjamin Hill, John Hunt, Thomas Hunt, Edward Hunt, Esquires; Thomas Holme, the Reverend Jeffery Holdich, Rowland Hunt, Clerks; Samuel Hartshorn, John Harris, Thomas Hunt, Thomas Holmes, Benjamin Hill, William Hopkins, Gentlemen; Justinian Isham, Ambrose Isted, Samuel Isted, George Isted, Charles Isham, Robert Blacket Jekyl, Esquires; John Image, Charles Jackson, Clerks; Richard Kent, Esquire; Joseph Knapp, Clerk; the Reverend Doctor Robert Lamb, Dean of Peterborough; Thomas Lowfield, Henry Lawton, Esquires; John Lucas, M. D. the Reverend Charles Lawrence, Edward Lockwood, Richard Lackwood, Clerks; John Lloyd, Gentleman; Sir William

liam Moreton, Knight, the Reverend —
Mervicilleux, of Tansover, George Maule,
William Manning, John Morgan, the Re-
verend John Morgan, Clerks; William
Manning, Gentleman; the Reverend Timothy
Neve, the Reverend John Naylor, D. D.
Percy Wyndham Obrien, Donatus Obrien,
John Orlebar, Walden Orme, Esquires;
Thomas Outlaw, Gentleman; John Palmer,
John Palmer, of Charlton, Esquires;
Thomas Peach, Nathaniel Pearce, junior,
Gentlemen; Baptist Proby, Richard Price,
Clerks; Thomas Proby, John Proby, Charles
Proby, Robert Pigott, Armstead Parker,
Robert Pigott, junior, Esquires; John Pic-
kard, William Prichard, Gentlemen; Jus-
tinian Raynsford, John Robinson, John Riley,
Peter Roberts, Esquires; Francis Raynsford,
Thomas Rennel, Clerks; Timothy Rogers,
Thomas Ragsdell, Gentlemen; William
Beauchamp Rye, M. D. John Spencer, Henry
St. John, Thomas Samwell, Thomas Scawen,
James Scawen, Havey Sparke, John Sipton,
John Simcoe, Esquires; James Stonhouse,
M. D. Paulet St. John, Honourable and
Reverend St. Andrew St. John, Thomas
Strong, Clerks; William Steere, Edward
Stephenson,

Stephenson, Gentlemen; John Harvey Thursby, John Harvey Thursby, junior, Thomas Truman, Robert Thomson, Charles Tryon, Carrier Thomson, Esquires; George Tymms, Michael Tyson, Clerks; George Thomson, Gentleman; Thomas Ward of Guilsborough, Thomas Ward of Little-Houghton, William Williams, Richard Ward, Henry Wright, James Wilkinson, Richard Woodford, Esquires; William Walcot, M. D. John Watts, M. D. Edward Watkins, the Reverend John Wakelin, Eyre Whalley, William Willis, Clerks; Thomas Whitworth, of Earls Barton, Gentlemen; Allen Younge, Esquire; John York, Gentleman; the Reverend Edward York, Clerk; Robert Wright, Gentleman; Sir William Irby, Sir Matthew Lambe, Baronets; John Dolben, Charles Heslridge, Richard Jenens, Esquires; Thomas Powys, — Powys, Esquires; John Wescar, of Grendon, Esquire; John Younge, Clerk; together with the Commissioners nominated and appointed by Virtue of the said former Acts, respectively, shall be, and they are hereby, constituted and appointed Commissioners for putting the said former Acts and this present Act into

for putting all the Acts in Execution.

Execution,

Execution, for the making the said River *Nine*, or *Nen*, or any Part thereof, navigable through and from *Thrapston* Bridge up to the Town of *Northampton*, or to any other Place between *Thrapston* Bridge and *Northampton* aforesaid, by such Ways and Means, and by, and with and under, such Rules, Orders, Provisions, and Restrictions, as in the said former Acts, and this present Act, or either of them respectively, are mentioned, provided, appointed, and prescribed:

Works to
begin at
Thrapston
Bridge.

PROVIDED ALWAYS, That the Works requisite and necessary for the said intended Navigation, shall be begun at *Thrapston* Bridge only, and not in any other Part or Parts of the said River; and shall from thence proceed and be carried on upwards towards the Town of *Northampton*, until the same shall be finished and completed.

Powers
of the
former
Act con-
tinued,

AND, for that Purpose, all the Powers Provisions, Rules, Orders, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, granted, appointed, prescribed, and

and contained, in and by the said former Acts, or either of them respectively, which are now in Force (other than so far forth as the same, or any of them respectively, are repealed, altered, or explained, by the Force and Effect of this present Act), shall be exercised, practised, used, enforced, and put in Execution, for the Purposes of this present Act, in as full, extensive, and beneficial Manner, as if the said Powers, Provisions, Rules, Orders, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly expressed, and again enacted, in the Body of this present Act.

except
where
varied or
explain'd
by this.

It is lawful to and for the said Commissioners, or any Nine or more of them, and they are by this Act authorized and empowered, from Time to Time, to ascertain, order, and appoint, the Rates, Tolls, and Duties, to be taken and paid at each of the Locks from Time to Time erected and built for the Purposes of the said intended Navigation, for any Goods, Wares, Merchandizes, and Commodities, to be carried and conveyed up and down

Commis-
sioners to
set the
Rates of
Tolls;

the said Western Division of the said Navigation, and within the Limits last-mentioned; and such Rates, Tolls, and Duties, shall, as near as can be in the Judgment of the said Commissioners, or any Nine or more of them, be in Proportion to the Distances of such Lock and Locks from *Thrapston* Bridge, and to the Expence of making the said Locks, respectively.

and to
take up
Money.

AND, for making a Provision for the obtaining the good Ends and Purposes herein before-mentioned, it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, from Time to Time, to borrow, and take up at Interest, any Sum or Sums of Money, to be applied for the Purposes of this present Act; and also from Time to Time, by Writing under their Hands and Seals, to grant, bargain, sell, mortgage, assign, and set over, the Rates, Tolls, and Duties, or any or either of them, arising, produced, and to be collected, in and upon the Western Division of the said Navigation, unto any Person or Persons whatsoever, who shall advance and lend his, her, and
their,

their, Money thereupon, for the Purposes
aforesaid, his, her, and their Executors,
Administrators, and Assigns, as a Security
for, and to be redeemed and redeemable
upon, the Repayment of the Sum or
Sums of Money so to be advanced and lent
by them: And that it shall and may be
lawful to and for the said Commissioners,
or any Nine more of them, from Time to
Time, by Writing under their Hands and
Seals, to nominate and appoint such Per-
sons, who shall so lend, advance, and
contribute, or by Writing under their
Hands and Seals, respectively, agree to
lend, advance, and contribute, any Sum
or Sums of Money, not less than One
Hundred Pounds apiece, for the Purposes
aforesaid, to be the, sole Proprietors of
the said intended Navigation, and of all
the Rates, Tolls, and Duties, arising, to
be produced, and collected, in and upon
the Western Division thereof; and that
the several Sums of Money, to be sub-
scribed, lent, and contributed, by the
Persons so nominated and appointed, as
aforesaid, shall be deemed and accounted
a joint Stock, and be vested in, and belong

The
Lenders
of which
are to be
Proprie-
tors.

to, the several Proprietors, in such Shares and Proportions, as the several Sums by them respectively subscribed and lent, shall bear to the whole Sum or Amount of the Money so subscribed and lent; and shall carry and be attended with Interest, not exceeding the Rate of Four Pounds *per Centum per Annum*.

Shares
may be
transfer-
red,

THE said Securities, Shares, and Properties, of and in the said Tolls and Duties, which shall be so vested in the said Subscribers and Proprietors respectively, shall and may be assigned, transferred, and set over, from Time to Time, by the Person or Persons possessed of, and intitled to, the same respectively, for the Time being, by any Writing under his, her, or their, Hand or Hands respectively, indorsed on such respective Mortgage or Mortgages, Security or Securities, respectively, attested by Two or more credible Witnesses, or any other Instrument or Writing, signed and attested as aforesaid, to any other Person or Persons whatsoever.

SUCH

SUCH Mortgages, Securities, Assign-^{without}ments, Instruments, and Indorsements, ^{Stamps.} respectively, shall not, nor shall any of them, be liable to, or charged or chargeable with, any of the Stamp-Duties; and that all such Mortgages, Securities, Assign-^{Securi-}ments, Instruments, and Indorsements, ^{ties and} respectively, shall be entered or registered ^{Trans-} at Length in a Book or Books to be kept by the Clerk of the Commissioners of the Western Division of the said Navigation; and such Book or Books shall and may be seen and perused, at all seasonable Times, by any Person or Persons whatsoever, without Fee or Reward.

THE said Clerk shall not take or demand, for the Entry of any such Security or Se-^{For}curities, above the Sum of Two Shillings, ^{which} upon Pain of forfeiting, for every such ^{Entry the} Offence, the Sum of Five Pounds, to be ^{Clerk is} recovered by Distress and Sale of the Goods and Chattels of the Person so ^{to be} offending, by Warrant or Warrants under the Hands and Seals of Five or more of the said Commissioners, upon Information on Oath of one or more credible Witnesses ^{paid.} or

or Witneſſes; ſuch Penalty to be applied to the Uſes of the ſaid Navigation.

Commif-
ſioners
may
make
Calls on
Subſcri-
bers,

and, on
Neglect
of Pay-
ment,
Shares to
be for-
feited.

It is lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to make ſuch Call or Calls of Money from the reſpective Subſcribers, for carrying on the ſaid intended Navigation, as the ſaid Commiſſioners ſhall, from Time to Time, think requiſite and neceſſary for that Purpoſe, ſo as no one Call do exceed or amount to more than Ten Pounds *per Centum* of the Money ſo by them reſpectively ſubſcribed; and which Money, ſo called, ſhall be paid unto the Treafurer of the ſaid intended Navigation, for the Time being, and ſhall by him be iſſued, applied, and diſpoſed of, for the Uſes and Purpoſes of the ſaid intended Navigation, and the paying and diſcharging the Charges and Expences thereof: And if any of the ſaid Subſcribers or Proprietors, for the Time being, ſhall neglect or reſuſe, after three Calendar Months Notice being firſt given in the *Northampton Mercury* and *London Gazette*, for that Purpoſe, to pay the Money, ſo to be called and required

to

to be paid, as aforesaid, at the Time and Place appointed by the said Commissioners, or any Nine or more of them, in that Behalf, every Person, so neglecting or refusing, shall forfeit his, her, and their respective Share and Shares, Parts and Interests, in the said intended Navigation; and such Share and Shares, Parts and Interests, so respectively to be forfeited, shall, by the said Commissioners, or any Nine or more of them, be, from Time to Time, assigned, appointed, and made over, to such other Person or Persons as shall be willing to become a Proprietor or Proprietors in the said Undertaking, and for such Considerations, as to the said Commissioners, or any Nine or more of them, shall seem requisite and expedient.

In Case the Tolls, Duties, and Profits, arising and produced from the said intended Navigation, shall at any Time exceed the Interest of the whole Money subscribed and contributed for the Purposes of the said intended Navigation, the Residue and Surplus of the said Tolls, Duties, and Profits, so remaining, as
After
Payment
of the In-
terest, the
Residue
of the
Profits
aforesaid,

to go to
pay off
the Debt,

to make
it a free
Navigation.

aforesaid, shall, from Time to Time, as the same shall come and be received, be applied and disposed of by, or by the Direction of, the said Commissioners, or any Nine or more of them, in, for, and towards, the reducing, paying off, and discharging, the several Sums so advanced and contributed by the said several Subscribers and Proprietors, in equal Proportions, to the End and Intent that the Navigation of the said River may become and be rendered free and open for all His Majesty's Subjects, as soon as the same can or may, by the Ways and Means afore-mentioned, or otherwise, be accomplished and effected.

Power to
get Ma-
terials,

It is lawful to and for the said Commissioners, or the Person or Persons by them appointed, or to be appointed, by Virtue of this or the said former Acts, or either of them, their Deputies, Agents, Officers, and Servants respectively, to dig, gather, take, and carry away, any Stones, Gravel, Earth, or other Materials, out of any Common or Waste Ground, River or Brook, lying near the said Eastern or Western

Western Division of the said Navigation; and in Case sufficient Materials cannot be found in such Common Waste Ground, River or Brook, then in and out of the Grounds of any Person or Persons lying near the said Eastern or Western Division, not being a Meadow Ground used only for growing Hay, or a Garden, Park, Orchard, Yard, Plantation, or Avenue to a House, to be used and applied in and for the repairing, maintaining, and keeping in Order, the Banks, Locks, Stanches, Towing-Paths, or Ways, in and belonging to the said present or intended Navigation, or either of them; making such Recom-
 pence, Satisfaction, and Compensation to the Owners and Occupiers of the Lands and Grounds where the same shall be found and taken, for the Loss, Spoil, and Damage, occasioned by the getting, taking, and carrying away the same, as by the said Commissioners, or their Successors, or any Nine or more of them, shall be thought just and reasonable: And in Case of any Difference between any such Owner or Occupier and such Commissioners, touching such Loss, Damage, or Recom-
 K pence,

making
Satisfac-
tion.

pence, as aforesaid, the Justices of the Peace for the Counties of *Northampton* and *Huntingdon* respectively, at their General Quarter-Sessions to be held for such of the said Counties wherein the Place, from whence such Materials shall be got, doth lie, may and shall adjudge, ascertain, and finally determine the same.

Materials to be carried on Highways.

BUT such Materials shall be carried from the Place or Places where the said Commissioners, or the Person or Persons by them appointed, or to be appointed, by Virtue of this or the said former Acts, shall dig or find the same along some Highway only, leading to the several Mills lying upon the said River, and not over or across any other Parts of the said Meadows; and shall be conveyed in Boats from Place to Place, as Occasion shall require.

Damage to be made good on trying to make the Navigation, if it

IF all the said River shall not be made navigable by Virtue of this and the said former Acts, and the Powers and Authorities thereby given, and the Undertakers shall, in endeavouring to make the said River

River navigable, any Way alter or cut the Banks of any Part or Parts of the said River which shall not be made navigable, to the Damage or Prejudice of the Owners thereof, they shall, at their own Costs and Charges, make the same good again, and put the same into as good Plight and Condition as the same were in at the Time of such altering, cutting, damnifying, or prejudicing the same, as the said Commissioners, or the Majority of them then present, not under the Number of Nine, shall, by Writing under their Hands and Seals, direct and appoint.

should
not suc-
ceed.

THE said Commissioners, or any Nine or more of them, shall, at their First Meeting, to be held at the Town of *Northampton* afore said, or at any other Meeting, public Notice thereof being first given, at least Twenty Days before such Meeting, in the *Northampton* and *Cambridge* News-Papers, have full Power and Authority, by Writing under their Hands and Seals, to nominate and appoint such Person or Persons, as they shall think fit, to be Collector or Collectors of the Tolls

Commis-
sioners to
meet to
appoint
Officers,

who are
to give
Security.

and Duties hereby granted, and also such Person as they shall think fit, to be Treasurer or Receiver of the several Sums of Money arising by such Tolls and Duties, and of all other Monies to be raised, levied, and paid, by and under the Authority of this Act (such Collector or Collectors giving Bond, with two sufficient Sureties, to the Satisfaction of the said Commissioners, or any Nine or more of them, for the due Payment to the Treasurer of all Money to be collected by him or them; and such Treasurer and Receiver also giving Bond, with two sufficient Sureties, to the Satisfaction of the said Commissioners, or any Nine or more of them, in the Penalty of Two Thousand Pounds, for the due Application of, and accounting for, the Monies by him to be received); and shall also administer an Oath to such Collector or Collectors for the true and faithful executing of his or their Office in or about the Premises: And the said Collector or Collectors shall, upon the First *Monday* in every Month, or oftener, if required by the said Commissioners, or any Nine or more of them, by Writing under their

their Hands and Seals, pay, or cause to
 be paid, into the Hands of the said Trea-
 surer or Receiver, all and every the Sum
 and Sums of Money, which he or they
 the said Collector or Collectors shall have
 collected or received by Virtue of this Act:
 And the said Commissioners, or any Nine
 or more of them, shall also, at any such
 Meeting, as aforesaid, have full Power
 and Authority, by Writing under their
 Hands and Seals, to nominate and appoint
 a Clerk and a Surveyor or Surveyors, for
 doing all other Matters and Things which
 may be necessary to be performed in Exe-
 cution of this Act: And such Collector ^{who are}
 or Collectors, Treasurer or Receiver, Clerk, ^{to have}
 and Surveyor or Surveyors, to be appointed ^{Allow-}
 as aforesaid, shall be allowed out of the ^{ance for}
 Monies to be raised by Virtue of this Act, ^{their}
 for their Care and Pains in executing their ^{Trouble,}
 respective Offices, so much as the said
 Commissioners, or any Nine or more of
 them, shall think reasonable; and shall be, ^{and are}
 from Time to Time, removeable at the ^{to be re-}
 Will and Pleasure of the said Commissioners, ^{move-}
 or any Nine or more of them, assembled ^{able.}
 for that Purpose, public Notice thereof
 being

being given, as aforesaid : And all Vacancies, which shall happen by Death, Resignation, or Removal, of any of the said Officers, shall be filled up by the said Commissioners, or any Nine or more of them, at some subsequent Meeting : And in Case of the Death of any Collector or Collectors, the said Treasurer or Receiver shall have full Power and Authority to appoint such Person or Persons as he shall think proper, to collect and receive the Tolls and Duties hereby granted, till the next Meeting of the said Commissioners ; such Person or Persons giving such Security, as aforesaid : And if, upon such Removal of any Treasurer, Clerk, or Officer, he or they so removed, or, in Case of the Death of any such Officer, the Executors or Administrators of the Person or Persons deceased, shall refuse to resign and deliver up to his or their Successor or Successors, or to the Persons appointed by the said Commissioners, or any Nine or more of them, all or any of the Books, Accounts, Papers, or Writings, relating to the said Navigation, in his, her, or their, Custody or Power, the Offender or Offenders shall forfeit,

Officers
refusing
to resign,

forfeit, for every such Offence, the Sum ^{to be} of Twenty Pounds, to be levied by Dis- ^{punish'd.} tress and Sale of the Goods and Chattels of the Person or Persons so offending, by Warrant or Warrants under the Hands and Seals of Five or more Commissioners, to be issued upon the Information, and Oath, of One or more credible Witness or Witnesses; returning the Overplus, if any such shall be, to the Party or Parties offending respectively.

THE several Commissioners before no- ^{First} minated and appointed, or any Nine or ^{Meeting} more of them, shall meet together at the ^{of Com-} Town-Hall in the said Town of *North- ^{mission-} *ampton* on the Twenty-second Day of *June* ^{ers,} One Thousand Seven Hundred and Fifty- ^{who may} six, and shall adjourn themselves, from ^{adjourn.} Time to Time, to such Time and Place as they shall think fit, for putting in Execution the Powers and Authorities of this present Act: And if, at any Meeting, ^{If not a} either in the Eastern or Western Division ^{sufficient} of the Navigation of the said River *Nine*, ^{Number,} there shall not appear a sufficient Number ^{Clerk} of Commissioners to act, and to adjourn ^{may ad-} ^{journal.} to*

to another Day, the Clerk or Clerks of the said Commissioners shall and may, by public Notice in Writing, to be given as aforesaid, at least Twenty Days before the next Meeting, appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, or at some other convenient Place within the respective Divisions.

Qualifi-
cation of
Commis-
sioners. IF any Person or Persons, nominated by this Act or the said former Acts, any or either of them, to be a Commissioner for the Execution thereof, and of the Powers therein contained, except the Mayors of *Northampton, Brackley, and Higham-Ferrers*, for the Time being, shall act as a Commissioner, not having a real Estate of the clear yearly Value of One Hundred Pounds, shall forfeit, for every Time he shall so act, the Sum of Fifty Pounds to any Person or Persons that will inform or sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be allowed.

SUCH

SUCH of the Commissioners, appointed or to be appointed for the Purposes of this Act, as are or shall be Subscribers or Contributors for the carrying on the said intended Navigation, may act under any of the Powers and Authorities vested in him or them respectively by the said former Acts and this present Act, except in such Cases where his or their Property respectively is concerned, or in Question; and that no such Commissioner shall be under, or subject or liable to any Penalty or Disability, by Reason, or on Account only, of his being a Subscriber or Contributor, as aforesaid.

Subscribers may act as Commissioners,

except where their Property is concerned.

BUT if any Person or Persons shall find themselves aggrieved by any Act, Matter, or Thing, done or suffered by the said Commissioners, or by any Person or Persons employed by or under them, or by any Determination, Order, Decree, or Judgment, made or given by the said Commissioners, or any of them, the Parties so aggrieved shall, in all Cases in which it is not already particularly directed by this or the said former Acts,

Power of Appeal.

L

have

have an Appeal before the Justice or Justices of the Assize of that County where such Grievance shall arise; whose Order or Determination therein shall be final, and from whose Judgment no Appeal shall lie.

Penalties
how to be
recover-
ed.

ALL Penalties and Forfeitures inflicted and incurred by Force and Virtue of this present or the former Acts, and concerning which no other Provision is by this Act made or directed, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons offending, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Five or more of the said Commissioners; which Warrant or Warrants the said Commissioners are hereby authorized and required to grant, upon the Information of one or more credible Witness or Witnesses, upon Oath (and which Oath such Commissioners are hereby authorized and required to administer): And the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods shall be so distrained,
the

the Charge of such Distress being first deducted, shall go and be applied one Moiety to the Informer, and the other Moiety to the Purposes of the Navigation.

THE Commissioners appointed or to be appointed to put this Act, or the said former Acts, in Execution, shall take Care to have all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into, for, upon, or on account of, the said intended Navigation, and other the Proceedings of the said Commissioners, forthwith fairly written and entered in One or more Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall or may be seen and perused, at all seasonable Times, without Fee or Reward, by any Person or Persons whomsoever; and also that any of the said Commissioners so appointed or to be appointed, or any other Person or Persons concerned, shall and may take Copies of all or any Part thereof; paying for every Copy, not exceeding Five Hundred Words, the Sum of One Shilling, and so

All Transactions to be entered in a Book,

to be perused gratis.

Copies to be made,

on paying for the same.

L 2 proportionably

Orders
entered
in the
Book to
be deem-
ed Originals;

and may
be read
in Evi-
dence.

Limita-
tion of
Actions.

proportionably for any greater or lesser Number of Words; and that all such Orders, so entered, shall be signed by the Clerk to the said Commissioners, at any Meeting of any Nine or more of the Commissioners assembled as aforesaid; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of any Nine or more of the said Commissioners; which said Book or Books, and also the said Book directed to be kept for registering or entering such Mortgages, Securities, Assignments, Indorsements, and Transfers, as aforesaid, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any Thing done in Pursuance, and by the Authority, of this Act, or the said former Acts.

If any Action or Suit shall be commenced against any Person or Persons for any Thing done, or to be done, in Pursuance of the said former Acts, or this present Act, every such Action or Suit shall be brought within Eight Months after the Fact committed,
and

and not afterwards; and shall be laid in the County or Liberty where the Cause of Action shall arise, and not elsewhere: And the Defendant or Defendants in such Action or Suit to be brought, shall and may plead the general Issue, and give this ^{General Issue.} Act and the special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in Pursuance, and by the Authority, of the said former or this present Act: And if the same shall appear so to be done, or that such Action or Suit was brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Liberty, Place or Places, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his or her Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

THIS

Public
Act.

THIS Act shall be deemed, adjudged, and taken, to be a public Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.



INDEX

INDEX to the preceding ACT.

New Commissioners	-	-	Page 59
Work to begin at <i>Thrapston</i>	-	-	64
Powers, &c. in former Act contained, except where varied or explained	-	-	} 64
Commissioners to set Tolls, &c.	-	-	65
Power to borrow Money for the Purposes of the Act, and the Lenders to be Proprietors	-	-	} 66--67
Shares transferrable without Stamps, and Securities to be regiltered by the Clerk, for which he is to take zs.	-	-	} 68--69
Commissioners to make Calls not exceeding ten per Cent.	-	-	70
Overplus Money, after Payment of the Interest, to go in Discharge of the Principal, to make it a free Navigation	-	-	} 71--72
Power to get Materials for Repair of Locks, &c. making Satisfaction, &c.	-	-	} 72--73
Such Materials to be carried on Highways only	-	-	74
Damages to be made good, if Navigation don't succeed	-	-	74
Power of appointing Treasurer, Collector, Clerk, &c.	-	-	75
Who are to have Allowances, &c. and be removeable	-	-	77
First Meeting, &c. Power to adjourn	-	-	79
Qualification of Commissioners	-	-	80
Subscribers to act as Commissioners, where Property not concerned	-	-	} 81
Power of Appeal against Grievances	-	-	81
Penalties how recoverable	-	-	82
All Receipts, Payments, Orders, Contracts, &c. to be entered in a Book	-	-	} 83
Limitation of Actions	-	-	84
General Issue, &c.	-	-	85

BY - LAWS,
MADE FOR THE
WESTERN DIVISION
OF THE
NAVIGATION
OF THE
RIVER *NINE*, alias *NEN*.

In Purfuance of the feveral Acts of
Parliament for making the faid
River navigable, and the Powers
thereby given to the Commiffioners
appointed for putting the faid Acts
into Execution.

Published by Order of the
COMMISSIONERS.

B Y - I A W 2 -

MADE FOR THE

WESTERN DIVISION

OF THE

NAVIGATION

OF THE

RIVER VALLEY, AND

IN PROGRESS OF THE RIVER VALLEY

FOR THE PURPOSE OF

THE RIVER VALLEY

THE RIVER VALLEY

THE RIVER VALLEY

THE RIVER VALLEY

THE RIVER VALLEY

THE RIVER VALLEY

THE RIVER VALLEY

THE RIVER VALLEY

BY - LAWS

*For the WESTERN DIVISION of the
NAVIGATION of the River NINE, alias
NEN. Made at a General Meeting of the
Commissioners, held at Northampton, for
the said Division, on Friday the 30th Day
of November, 1759.*

I.

WE do Ordain, Order, and Direct, Coals to
be sold
by the
Statute-
Bushel
only. That, for the future, all Merchants, Traders, and Dealers in Coal, within the Limits and Extent of this Navigation, shall, at all Times hereafter, measure and sell their Coal by the Bushel appointed by the Act of Parliament of the 12th Year of Her late Majesty Queen ANNE, *Chapter the 17th*, and by no other Measure whatever, bigger or less. And we ordain, order, and direct, that every Person selling by himself, his Agents, or Servants, by any other Measure whatsoever than is fixed and appointed by the said Statute, shall, for every such Offence,

forfeit the Sum of FIVE POUNDS, to be levied on his, her, or their Goods and Chattels, by Warrant of Distress under the Hands of any Five or more of the said Commissioners, to be issued upon Conviction of the Offender, in such Manner as the several Acts relating to the said Navigation, or any of them, have directed. And we do further ordain, order, and direct, that the Servants or Agents of every Merchant or Dealer in Coals upon the said River, and such other Persons as shall appear to be privy to, or acquainted with, such Transaction, shall be summoned before the said Commissioners, whensoever they shall think the same necessary or proper; and shall be compelled to give Evidence relating to the Matters in Question, under the like Penalty of FIVE POUNDS, in Case of Refusal or Neglect to appear, and to give such Evidence.

Penalty
5/.

II.

Boats to
be mark-
ed with
Owner's
WE do ordain, direct, and order, that,
within Six Months from the Date and
Publication hereof, every Owner, Master,
or

or Person having the Direction, Command, ^{Name}
or Government of any Boat or Boats, ^{and Place}
Barges, Lighters, or other Vessels, trading ^{of}
or sailing on the said River, shall cause ^{Abode.}
his, her, or their Name or Names, and
Place of Abode, to be set in large white
Capital Letters on each Side of the Out-
sides of every such Boat, Barge, Lighter,
or other Vessel, higher than the same shall
sink into the Water when loaded; and if
the Owner or Owners, Master, or Person
having the Direction, Command, or
Government of any Boat, Barge, Lighter,
or other Vessel, trading or sailing on the
said River, shall not at all Times have
his, her, or their Name or Names, and
Place of Abode, so plainly and legibly set
upon the Outsides of every such Boat,
Barge, Lighter, or other Vessel, he, she,
or they, for every such Omission and Of-
fence, shall forfeit and pay the Sum of
FIVE POUNDS to the Proprietors or ^{Penalty}
Undertakers of the said Navigation, their ^{5^l}
Successors, Heirs, and Assigns, to be levied
and disposed of, as the said Acts, or any
of them, direct.

III.

Boats not
to be
over-
loaded
and left
to ob-
struct the
Passage
of others.

WE do ordain, order, and direct, That if any Person or Persons shall overload, any Boat, Barge, Lighter, or other Vessel, navigating in the said River *Nine* or *Nen*, and put any Boat, Barge, Lighter, or other Vessel, so overloaded, into any of the Cuts, Streams, or shallow Places of the said River, so as to obstruct the Passage of any other Boat, Barge, Lighter, or Vessel, and do not immediately, upon Notice given to the Owner, Master, or Person having the Direction, Command, or Government of such Boat, Barge, Lighter, or other Vessel, so obstructing the Passage as aforesaid, hale such Boat, Barge, Lighter, or other Vessel, back into the deep Water, so that all Boats, Barges, Lighters, and other Vessels, may freely pass: Every such Master, Owner, or Person having the Direction, Command, or Government of the Boat, Barge, Lighter, or other Vessel, obstructing the Passage or Navigation, as aforesaid, shall forfeit and pay, for every such Offence, the Sum of FIVE POUNDS to the said Proprietors or

Penalty
5/.

or Undertakers, their Successors, Heirs, and Assigns; to be raised, levied, and applied, according to the Directions of the said several Acts of Parliament.

IV.

WE do ordain, order, and direct, That ^{Vessels} if any Boat, Barge, Lighter, or other ^{not to be} Vessel, shall happen to be sunk in any ^{left sunk} Part of the said River, whereby the Passage ^{to ob-} and Navigation of other Vessels shall or ^{struct} may be obstructed; and if the Owner, or Person having the Direction, Command, or Government thereof, do not weigh or draw up the same again, within *Ten Days* after such Boat, Barge, Lighter, or other Vessel, shall be so sunk, it shall then be lawful for the said Proprietors and Undertakers, their Successors, Heirs, and Assigns, to cause such Boat, Barge, Lighter, or other Vessel, to be weighed and drawn up, and to detain and keep such Boat, Barge, Lighter, or other Vessel, till full Payment be made of all the Expences occasioned thereby: And if Payment be not made in *Ten Days* after such Boat, Barge, Lighter, or other Vessel, be drawn up, then,

then, and in such Case, it shall and may be lawful to and for the said Proprietors and Undertakers, their Successors, Heirs, and Assigns, to cause Sale to be made thereof, and to defray all Costs, Expences and Damages, out of the Money arising thereby, rendering the Overplus to the Owner, if any such there be.

V.

Vessels
not to
continue
above 8
Hours in
the same
Place, to
obstruct
others.

WE do ordain, direct, and order, That if any Person or Persons navigating any Boat, Barge, Lighter, or other Vessel, upon the said River *Nine* or *Nen*, shall suffer such Boat, Barge, Lighter, or Vessel, to lie in any of the Cuts, Streams, or Passages of the said Navigation, for above Eight Hours at any one Time, (except only in the Case of unloading Goods at the several Wharfs, for which such Time is to be allowed, as the Commissioners, in any Case which shall come before them, shall think reasonable) it shall then be lawful for the said Proprietors or Undertakers, their Successors, Heirs and Assigns, Agents or Servants, to cause such Boat, Barge, Lighter, or Vessel, to be unloaded
and

and haled out of the said Cuts or Passages, into the deep Waters, so as other Boats, Barges, Lighters, and Vessels, may freely pass; and there to detain such Boat, Barge, Lighter, or other Vessel, which was so left, and suffered to remain in the said Cuts, Streams or Passages, or any of them, till Payment be made of all Expences occasioned thereby.

VI.

WE do ordain, order, and direct, That if any Person or Persons shall wilfully or maliciously open any of the Slackers of any Lock belonging to the Undertakers of the said Navigation, the same not being necessary for the Passage and due Navigation of some Boat, Barge, Lighter, or other Vessel; or shall leave any of the said Slackers running, after any Boat, Barge, Lighter, or Vessel, shall have passed any such Locks; or if any Person or Persons shall, without Necessity, or lawful Occasion, draw any Slacker or Slackers upon this Navigation, or any Part thereof, whereby the Water shall or may be mispent, or run waste, to the Prejudice of the said

Slackers
not to be
opened,
to let the
Water
run
waste.

N Navigation;

Navigation; every such Offender shall
 Penalty
 5*l*. forfeit the Sum of FIVE POUNDS, to be
 levied and applied as aforesaid.

VII.

No Rub-
 bish to be
 thrown
 into the
 River.

WE do ordain, order, and direct, That
 if any Person or Persons shall empty or
 throw any Stone, Ashes, Rubbish, Dirt,
 or any other Thing whatsoever, into any
 Part of the said Navigation, whereby the
 Passage or Course thereof may be in any
 Degree prejudiced or obstructed; every
 Person so offending shall forfeit and pay,
 for every such Offence, any Sum not ex-
 Penalty
 not above
 5*l*. nor
 under 5*s*. ceeding FIVE POUNDS, nor under FIVE
 SHILLINGS, at the Discretion of the
 Commissioners, before whom the Infor-
 mation shall be laid; the same to be levied
 and applied according to the Directions
 of the said several Acts of Parliament.

VIII.

Goods
 not to re-
 main
 above 7
 Days
 upon the
 Wharfs.

WE do ordain, order, and direct, That
 no Goods, Wares, or Merchandizes, either
 brought up or going down the said River,
 shall be kept and remain upon any Wharf
 or Wharfs more than Seven Days, to be
 accounted

accounted from the Hour or Time that the Boat, Barge, Lighter, or other Vessel carrying such Goods, shall arrive within One Hundred Yards of the said Wharf or Wharfs, or any of them, under the Penalty of TEN SHILLINGS, to be paid by the Owner of such Goods, for every *Chaldron of Coals*, and every *Ton of other Goods*, left thereon beyond that Time; to be levied and applied according to the Directions of the said several Acts. And to prevent Frauds by Removal from one Wharf to another, on different Sides of the River, We do order, direct, and declare, that the several Wharfs at or near *Wellingborough Bridge*, shall be deemed as one Wharf; and, in like Manner, all those to be erected at or near *Northampton*, shall also be deemed as one Wharf, although the same be erected and built upon different Sides of the said River.

Penalty
10s. per
Chaldron
of Coals,
or Ton of
Goods.

IX.

We do ordain, order, and direct, That whensoever it shall be found necessary to bring an Action at Law, or to carry on any other Prosecution, on Account of

When
Suit or
Action
necessa-
ry, Trea-
surer to
prosecute

at the
public
Expence.

Damages or Mischiefs done by Bargemen, Boatmen, Watermen, or other Person or Persons, to any of the Locks, Dams, Bridges, Engines, or other Works upon the Western Part of the said River, or for any other Matter or Thing relating to the Western Navigation thereof, the Treasurer shall be authorized by any Nine Commissioners, at a public Meeting held for the said Western Division, to commence the said Suit or Prosecution, in the Name of some one Subscriber, then to be named and appointed by the said Commissioners; and to carry on the same at the Expence of the Trust, indemnifying the Person, whose Name shall be so made Use of, from all Costs and Charges relating thereunto.

X.

Masters
or Own-
ers of
Vessels to
give an
Account
in Writ-
ing of
their
Freight.

WE do ordain, order, and direct, That the Masters, Owners, and Managers of all Boats, Barges, Lighters, and other Vessels navigating upon the said Western Division of the said River, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Government or Command

mand of every such Boat, Barge, Lighter, or other Vessel, to the Collectors of the Tolls, Wharfage, or Duties, at the Place or Places where they shall be, or attend for that Purpose, what Quantities of each Sort of Goods shall be in, upon, or belonging to each Boat, Barge, Lighter, and Vessel; as also from whence, and from whom such Master, Owner, or Person having the Direction or Command of such Boat, Barge, Lighter, or other Vessel, brought such Goods and where they intend to land the same: And in Case they, or any of them, neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places, contrary to what shall be expressed, mentioned, and declared in such Account, they, and each of them, shall forfeit and pay to the Proprietors or Undertakers of the Western Division of the said Navigation, their Successors, Heirs and Assigns, FORTY SHILLINGS for every ^{Penalty} Ton of Goods which shall appear to have ^{40s. per} ^{Ton.} been on board of such Boats, Barges, Lighters or Vessels, respectively to have, or to be delivered out of the same, over and

and above, or different from, such Account given in: Which said Forty Shillings per Ton shall be, by Way of Penalty or Forfeiture, over and above the respective Rates and Duties paid, or due and payable, for the same. And in Case of Neglect, Refusal, or Denial of Payment, on Demand, of such Forfeiture or Forfeitures, and of the several and respective Rates and Duties before-mentioned, or any Part thereof, to the said Proprietors or Undertakers, their Successors, Heirs or Assigns, that then, and in such Case, they, the said Proprietors or Undertakers, their Successors, Heirs and Assigns, or the Receivers, Agents, and Servants, by the said Commissioners lawfully appointed, shall and may make Stay of, distrain, and detain any such Goods, Wares and Merchandizes, and the Boats, Barges, Lighters or Vessels, wherein such Goods, or other Things, are carried, until full Payment be made of the said several Tolls, Wharfage, Duties, Penalties, Forfeitures, and other Payments, together with reasonable Charges for taking and detaining such Distress.

XI.

WE do ordain, order, and direct, That If any Dispute concerning Measure or Quantity, Toll-Gatherer may detain, and weigh or measure Goods. if any Dispute or Difference shall arise between the Collector of the Tolls, Wharfage, or Duties payable on the said Western Navigation, and the Owner, Master, or other Person having the Direction and Government of any Boat, Barge, Lighter, or other Vessel, or the Owner of any Goods, Wares and Merchandizes, chargeable with, or liable to, the Payment thereof, concerning the Weight, Measure, or Quantity of the same; such Collector may, and is hereby authorized to make Stay of, and detain, any such Boat, Barge, Lighter, or other Vessel; and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares and Merchandizes, as shall be in any Vessel or Vessels, where and when such Dispute shall arise: And in Case such Goods, Wares and Merchandizes, shall, upon such Weighing, Measuring, or Gauging, appear to be as much in Weight or Quantity, or of greater Weight or Quantity, than such Collector did affirm
and

and insist the same to be before the Weighing, Measuring, or Gauging thereof, whereby such or a greater Sum of Money shall appear due and payable for the said Tolls, Wharfage, or Duties, as such Collector did demand for the same, before the Weighing, Measuring, or Gauging of such Goods, Wares and Merchandizes, the Master, or Person having the Government of the said Boat, Barge, Lighter, or other Vessel, or the Owner of such Goods, Wares and Merchandizes, shall pay the full Amount of all such Tolls, Wharfage, and Duties; and shall also bear and pay all the Costs and Charges of such Weighing, Measuring, and Gauging thereof.

XII.

Persons
interest-
ed in the
Tolls
may mea-
sure Vef-
sels, and
mark
their
contents.

AND to the End it may be known what Quantity of Goods any Boat, Barge, Lighter, or other Vessel, sailing or trading upon the said Western Part of the said River, will contain and carry: We do ordain, order, and direct, that the Proprietors and Undertakers of this Navigation, their Successors, Heirs and Assigns, and their Agents or Servants, shall and may,

may, whensoever they shall judge the same necessary or convenient, measure every Boat, Barge, Lighter, or other Vessel, sailing or trading upon any Part of the said Navigation, by putting Weights into the same for that Purpose, which shall be done at the Expence of the Proprietors, Undertakers, or other Persons interested in the Tolls and Duties, their Successors, Heirs and Assigns; and also to set Figures or Marks at each End of every such Boat, Barge, Lighter or Vessel, on the Outside thereof, shewing how much, or how far, every Ton Weight of Loading, which shall be put into such Boat, Barge, Lighter, or other Vessel, will sink the same into the Water; and may re-measure every such Boat, Barge, Lighter or Vessel, so often as the Figures or Marks shall be altered or defaced, and mark again such Boats, Barges, Lighters or other Vessels, as aforesaid: And if the Owner or Owners, Master or Masters, Person or Persons having the Command thereof, shall obstruct or hinder the same, he or they shall forfeit and pay the Sum of FIVE POUNDS for every such Refusal or Obstruction, to be levied

O

Penalty
for ob-
structing
or defac-
ing
Marks,
and

and applied as the said Acts direct. And if the Owner or Owners, Master or Masters, Person or Persons have the Direction, Command, or Government of any Boat, Barge, Lighter, or Vessel, shall alter, deface, remove, erase, or destroy any such Mark or Marks, Figure or Figures, or shall suffer the same to be altered, defaced, removed, erased, or destroyed, every such Owner or Owners, Master or Masters, Person or Persons having the Direction, Command, or Government, of such Boat, Barge, Lighter, or Vessel, so offending, shall forfeit and pay, for every such Offence, the like Penalty, to be levied and applied as aforesaid.

XIII.

Vessels
not to
stop in
the Locks
longer
than ne-
cessary. We do ordain, direct, and order, That every Master, Owner, or Manager, or his Agents or Servants, navigating any Boat, Barge, Lighter, or other Vessel, through any Lock upon the said Western Part of the said River, or any of the Cuts out of the same, who shall suffer the Water to remain in the Lock longer than necessary for his Boat, Barge, Lighter, or other Vessel,

Vessel, to pass through any such Lock; or who, in coming down the River, shall neglect to shut the Lower Gates of such Lock, before he or they shall draw the Slackers of the Upper Gates thereof, or after he or they shall have brought his or their Boat, Barge, Lighter, or Vessel, into the said Lock, shall neglect to shut the Upper Gates before he or they shall draw the Slackers of the Lower Gates thereof; and who in going up the said River shall, so soon as he or they shall have passed with his or their Boat, Barge, Lighter, or other Vessel, out of the said Lock, neglect to shut the Upper Gates of the said Lock, and afterwards to draw the Slackers of the Lower Gates, (unless there shall be then one or more Boats, Barges, Lighters, or other Vessels, within View from the said Lock, coming down or up the said River) and every Person or Persons opening any Gate or Gates in the Haling or Towing Paths on the Banks of the said River, or on the Banks of any of the Cuts made out of the same, who, so soon as the Men or Horses employed in Haling any Boats, Barges, Lighters, or Vessels, upon the

No
Sluices
Slackers,
or Gates,
to be left
open.

nor Gates
on the
Haling-
Paths.

Penalty
40s.

said Western Part of the said River, have passed the same, shall neglect to shut the said Gate or Gates: Every Person offending in any of these Particulars, and being convicted thereof upon Oath of one or more credible Witness or Witnesses, shall forfeit FORTY SHILLINGS, to be levied and disposed of as the said Act directs.

XIV.

Judg-
ment to
be given
by De-
fault a-
gainst Of-
fenders
who re-
fuse or
neglect to
appear.

WE do ordain, order, and direct, That in all Cases, after Information laid before Five or more Commissioners, and Proof upon Oath of the Summons being served upon the Party informed against, if the Party so summoned shall not appear and make his Defence, the said Commissioners may proceed to pass Judgment in such Case by Default, and issue out Warrants for levying the Penalties incurred, notwithstanding the Non-appearance of the Party or Parties charged, in the same Manner as if such Party or Parties had appeared to answer the Charge laid against them.

XV.

Under-
taker to

WE do order, That Mr. *JOHN SMITH*,
the

the Undertaker, do receive the Tolls and receive Tolls & Wharfage, 'till further Order or Appointment.
 Wharfage upon the Western Division of
 the said Navigation, as the same are settled
 by former Orders of the Commissioners,
 'till farther Order, or 'till a Toll-Gatherer
 be regularly appointed, according to the
 Directions of the said Acts; and that all
 Persons using the said Navigation do pay
 the same to the said Mr. *John Smith*, or his
 Deputy, on Demand, under the Pains and
 Penalties expressed in the said Acts.

XVI.

We do ordain, direct, and Order, That When Works want Repair, so to stop Navigation, 40 Days Notice to be given in public News-Papers.
 whensoever it shall happen that any of the
 Locks, or other Works of the said Navi-
 gation, are so much out of Repair, that it
 will be necessary to divert the Course of the
 River, or any-way to prevent the Use of
 the Navigation, 'till the same is or are re-
 paired; Forty Days Notice shall be given
 in the *Northampton* and *Cambridge* News-
 Papers, before the same shall be begun,
 that all Persons who use the said Navigation
 may be informed thereof; under the Pe-
 nalty of FIFTY POUNDS, to be paid by Penalty 50^l.
 the Proprietor or Proprietors, or Under-
 taker

taker of the said Locks or Works, and to be levied and disposed of as the said Acts direct; except only in Cases of unavoidable Necessity, and which require immediate Attention, of which the Commissioners shall judge.

XVII.

WE do ordain, direct, and order, That
 whensoever it shall happen that any Works
 of the said Navigation shall want Repairs,
 the Person interested or employed in such
 Repairs shall give Five Days Notice to
 every Miller, whose Water, by being held
 up or drawn down, may prevent or obstruct
 such Repairs; after which the said Miller
 shall either hold up or draw down his
 Water, as shall be required by the said
 Person so interested or employed in such
 Repairs, and shall receive such Recom-
 pence for the same, as the Commissioners,
 at their next Meeting, on Application for
 that Purpose, shall appoint; and that every
 Offender in this Matter shall, for every
 Offence, forfeit any Sum not exceeding
 TWENTY POUNDS, to be levied and
 applied as the said Acts direct; and that
 in

Millers
to hold
up or let
down
Water
when ne-
cessary
for Re-
pairs, on
5 Days
Notice.

Recom-
pence to
be allow-
ed by
Commis-
sioners.

Penalty
not ex-
ceeding
20/.

(III)

in this Case the Offence of the Servant of the Miller shall be deemed the Offence of the Miller.

Act of
Servant
to be
deemed
as Act of
the
Master.

XVIII.

AND to prevent any Impediment to this Navigation, either by the necessary Business, or the Contrivance and pretended Occasions of the several Millers, We do ordain, direct, and order, that whensoever it shall happen that Difficulties shall arise in the said Navigation by Scarcity of Water, the Owner, Master, or Person having the Direction, Government, or Command of any Boats, Barges, Lighters or other Vessels, passing on the said River, shall, on Notice given by him to any Miller, of one or more Vessels being within One Thousand Yards of the Mill of such Miller, be informed by such Miller when, and at what Hour, within the next twenty-four Hours, the said Miller purposes to draw down his Water, or to hold up the same, that the Opportunity of navigating may not be lost; and that every Miller refusing to give such Information, or refusing or neglecting to draw down, or hold

Millers
to acquaint
Owners,
&c. when
they intend
to let down
or hold
up the
Water.

hold up, such Water accordingly, shall,
 for every Offence, forfeit a Sum not ex-
 ceeding FIVE POUNDS, nor under Ten
 Shillings, to be levied and applied as the
 said Acts direct; and that in this Case the
 Offence of the Servant of the Miller shall
 be deemed the Offence of the Miller.

Penalty
 not ex-
 ceeding
 5*l*.

& Master
 answer-
 able for
 Servant.



A LIST

A L I S T
OF THE PRESENT
COMMISSIONERS.

1785.

A

Aldermen, of Northampton

*Andrew, Robert, Esq;

Andrew, Rev. Gilbert

Ashby, George, Esq;

B

Barnard, Sir Robert, Bart.

Beauclerk, Honourable Aubery

Blencowe, Samuel, Esq;

Blencowe, Robert, Esq;

Bouverie, Honourable Edward

Bridges, Rev. Brooke

Burton, Leonard, Esq;

Butcher, Robert, Esq;

C

Cavendish, Right Hon. Lord John

Clarke, John Welton, Esq;

P

Chapman,

Chapman, Tresham, Esq;
*Chauncy, William Henry, Esq;
Clavering, Robert, Esq;
Compton, Right Hon. Charles Lord
Cullen, Right Hon. Lord Viscount

D

Dicey, Thomas, Esq;
Dickins, Francis, Esq;
Dixon, Rev. John
Dolben, Sir William, Bart.
Dolben, John English, Esq;

E

Easton, John, Esq;

F

Fisher, Rev. William
Fremaux, James, Esq;
Frost, Rev. John

G

Gardner, Rev. James
*Gery, Rev. William
Gooday,

Gooday, Rev. Dr. William
Griffiths, Rev. Walter
Gunning, Sir Robert, Bart.

H

Hackett, Andrew, Esq;
Hall, Mr. Joseph
*Hall, Mr. John
Hanbury, William, Esq;
Harper, John, Esq;
Harris, John, Esq;
Hawley, Henry, Esq;
Hefilrige, Charles, Esq;
Hill, George, Esq;
Hill, Rev. Benjamin
Hillyard, Mr. Thomas
Hinchinbrook, Right Hon. John Lord
Viscount

I

Jackson, Rev. William
Jephcott, Rev. John
Jones, Rev. Edward
Isham, Sir Justinian, Bart.
Isham, Rev. Eusebius

Isted, Samuel, Esq;

Isted, George, Esq;

K

Kerby, Richard, Esq;

Kerr, Dr. William

Kidney, Benjamin, Esq;

*Knight, Rev. Robert

Knight, Rev. Samuel

Knightley, Lucy, Esq;

L

Lacy, Mr. John

*Langham, Sir James, Bart.

Langton, Thomas, Esq;

Lawton, Charlwood, Esq;

Lockwood, Rev. Edward

*Locock, Mr. Henry

Lucas, Rev. Robert

M

Malim, Rev. George Pasley

Manning, Mr. William

Mauncel, Thomas Cecil, Esq;

Mayor, of Brackley

Mayor,

Mayor of Higham-Ferrers
Mayor, of Northampton
Meacock, Mr. Richard
Melburn, Right Hon. Lord
Mercer, Thomas, Esq;
Montgomery, Rev. Edward
Montgomery, Rev. Francis

N

Newman, Charles, Esq;
Northampton, Spencer Earl of

P

*Palmer, Sir John, Bart.
Parker, Rogers, Esq;
Peach, Mr. Thomas
Peach, Mr. Joseph
Pinckard, Mr. John
Powys, Thomas, Esq;
Powys, Rev. Littleton
Preedy, Dr. Benjamin
Price, Dr. William

R

Raynsford, Nicolls, Esq;

Raynsford,

Raynsford, Rev. Charles Justinian
Recorder, Deputy, of Northampton
Roberts, Peter, Esq;
Robinson, Sir George, Bart.
Robinson, John, Esq;
Roddick, Archibald, Esq;
Rokeby, Rev. Langham

S

Samwell, Sir Wenman, Bart.
Samwell, Thomas, Esq;
Sanford, Rev. John
Sawbridge, Henry, Esq;
Scawen, James, Esq;
Segrave, Rev. Edward
Smith, Thomas, Esq;
Smyth, Christopher, Esq;
Sparke, Rev. Dr. John
*Spencer, George Earl
Steer, William, Esq;
Stonhouse, Dr. James

T

Taylor, Simon, fenior, Esq;
Taylor, Simon, junior, Esq;
Terry, Dr. William

Thornton,

Thornton, Thomas Lee, Esq;
Thursby, John Harvey, Esq;
Trotter, Rev. Nathaniel

V

Vaux, Rev. Robert
Upper Offory, John Lord Viscount

W

Walker, Rev. Tilley
Walker, Mr. Joseph
Ward, William Zouth Lucas, Esq;
Watkin, Rev. Edward
Watkin, Rev. John
Watts, Dr. John
Weller, Rev. Edward
Wescar, John, Esq;
Whalley, Rev. Palmer
Whitworth, Thomas, Esq;
Williams, William Peere, Esq;
Woolley, Rev. Thomas
Wrighte, George, Esq;

Y

York, Mr. John
Younge, Allen, Esq;
Younge, Rev. John

Those marked thus, * are *Proprietors*.

The

The TOLLS of the Navigation from *Thrapston* to *Northampton*, as now settled, during the Pleasure of the Commissioners, but subject to such Alterations as they shall hereafter think proper, are as follow, viz.

	d.		s.	d.
Denford Mill Lock -	4	} per Ton or Chaldron, and 3d. Wharfage being added	0	7
Woodford Mill Lock -	2		0	9
Paper Mill Lock -	2	-	0	11
Cotton Mill Lock -	2	-	1	1
Stanwick Mill Lock -	3	-	1	4
Higham Mill Lock -	3	-	1	7
Ditchford Mill Lock -	4	-	1	11
Wellingborough or Staple Mill Lock -	2	-	2	1
Doddington Mill Lock	3	-	2	4
Hardwater Mill Lock -	1	-	2	5
Barton Mill Lock -	2	-	2	7
White Mill Lock -	1	-	2	8
Whiston Mill Lock -	1	-	2	9
Cogenhoe Mill Lock -	4	-	3	1
Billing Mill Lock -	1	-	3	2
Houghton Mill Lock -	1	-	3	3
Weston Mill Lock -	1	-	3	4
Abington Mill Lock -	1	-	3	5
Rush Mill Lock -	1	-	3	6
Nun Mill Lock -	1	-	3	7

F I N I S.



